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ROYAL COMMISSION OF INQUIRY INTO CERTAIN  
DEATHS AT THE HOSPITAL FOR SICK CHILDREN AND  
RELATED MATTERS.

Hearing held  
8th floor  
180 Dundas Street West  
Toronto, Ontario

The Honourable Mr. Justice S.G.M. Grange

Commissioner

P.S.A. Lamek, Q.C.

Counsel

E.A. Cronk

Associate Counsel

Thomas Millar

Administrator

Transcript of evidence  
for

February 23, 1984

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ROYAL COMMISSION OF INQUIRY INTO CERTAIN  
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Hearing held on the 8th Floor,  
180 Dundas Street West, Toronto,  
Ontario, on Thursday, the 23rd  
day of February, 1984.

- - - - -

THE HONOURABLE MR. JUSTICE S.G.M. GRANGE - Commissioner  
THOMAS MILLAR - Administrator  
MURRAY R. ELLIOT - Registrar

- - - - -

APPEARANCES:

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L. CECCHETTO ) General and Solicitor General  
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and Coroner's Office)

I. G. SCOTT, Q.C. ) Counsel for The Hospital for  
I. J. ROLAND ) Sick Children  
M. THOMSON )


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D. YOUNG ) Toronto Police

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at The Hospital for Sick  
Children

B. SYMES ) Counsel for the Registered  
E. McINTYRE ) Nurses' Association of Ontario  
and 35 Registered Nurses at  
The Hospital for Sick Children

H. SOLOMON Counsel for The Ontario  
Registered Nursing Assistants

(Cont'd)



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APPEARANCES: (Continued)

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E. FORSTER ) P. RAE )	Counsel for Phyllis Trayner - Nurse
M. ROSENBERG	Counsel for Sui Scott - Nurse
J.A. OLAH	Counsel for Janet Brownless - R.N.A.
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F.J. SHANAHAN	Counsel for Mr. & Mrs. Dominic Lombardo (parents of deceased child Stephanie Lombardo); and Heather Dawson (mother of deceased child Amber Dawson)
W.W. TOBIAS	Counsel for Mr. & Mrs. Hines (parents of deceased child Jordan Hines)







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A/BM/ak

--- Upon commencing at 10:00 a.m.

KATHLEEN COULSON, Resumed

THE COMMISSIONER: Yes, Miss McIntyre.

MS. McINTYRE: Thank you, sir.

RE-EXAMINATION BY MS. McINTYRE:

Q. Miss Coulson, I just have a few questions for you. On Tuesday you indicated to Mr. Hunt that you did not tell Mr. McGee or Mr. Wiley about your conversation with Lynn Johnstone on March 24th or about your feelings that Susan Nelles couldn't be the proper suspect. Can you tell us why?

A. I met them just before I was to testify at the preliminary hearing. I was concentrating on reading my statement and I was extremely nervous and upset.

Q. Okay. How long did you talk to them?

A. Oh, I just was introduced to Mr. McGee and I talked to Mr. Wiley for 5 or 10 minutes I think; maybe not that long.

Q. Did they ask if you had anything else to offer other than what was in your statements?

A. Not that I remember.

Q. And yesterday you told







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Mr. Percival that you did not relate to the police your conversation with David Nelles. Can you explain why you did not do that?

A. They didn't ask me any specific questions towards conversations and I don't remember bringing up that topic.

Q. Okay. Mr. Percival also asked you to review your statements yesterday to see if they contained any reference to your opinions with respect to the innocence or guilt of Susan Nelles. I believe the April 29th statement was passed out to all counsel and I would like to make it an exhibit at this time.

THE COMMISSIONER: I guess we have one of those. Exhibit 362.

---EXHIBIT NO. 362: Statement dated April 29th.

MS. McINTYRE: Q. Miss Coulson, you have a copy of that statement with you?

A. The one of April 29th?

Q. Yes, that's right.

A. Yes, I do.

Q. And at the beginning it indicates that the interview started at 8:30 a.m.

A. Yes.







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Q. And that's followed by four pages of handwritten notes and it indicates that the interview ended at 9:55, is that right?

A. Yes.

Q. Do you have any reason to doubt the times that were put down by the officer making the notes?

A. No.

Q. Do you have any reason to think --

THE COMMISSIONER: I'm sorry, it says somewhere...

MS. MCINTYRE: 8:30, sir, at the very top.

THE COMMISSIONER: I saw that at the top. Where is the 9 something?

MS. MCINTYRE: Oh, it's right at the very end right above the officer's apparent signature.

THE COMMISSIONER: Oh, yes, I see that, thank you.

MS. MCINTYRE: Q. Do you have any reason to think that those four pages do not contain everything that was said in that one hour and 25 minutes?





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A. Yes, I do.

3

Q. Why is that?

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A. It would take more than four  
pages of notes if we talked for over an hour.

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Q. Okay, thank you. Now, you  
gave evidence twice at the preliminary hearing, is  
that right?

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A. Yes, I did.

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Q. And you have told us what you  
didn't say during your preparation just before  
giving evidence. Can you recall any comments of  
significance made to you on either of those two  
occasions by either the police or the Crown  
Attorneys involved prior to either your first or  
second interview?

16

A. Prior to testimony?

17

Q. Yes, that's right.

18

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A. Prior to the second testimony  
Sergeant Press said to me if we were doing this  
investigation again we would have had a nurse  
sooner to explain the runnings of the Hospital.

21

22

Q. Did he explain what he meant  
by that?

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A. Well, he said it was difficult  
for the police to go in and to understand what it







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was like from a nurse's point of view.

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THE COMMISSIONER: I'm sorry, could you tell me what it was just what Sergeant Warr said to you?

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THE WITNESS: It was Sergeant Press.

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THE COMMISSIONER: Sergeant Press.

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THE WITNESS: It was outside the hearing room on College Street I believe and he said that in hindsight for the investigation he thought it was important that they had a nurse to assist them.

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THE COMMISSIONER: I see, all right.

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MR. McINTYRE: Q. Yesterday and the previous day you were asked a number of questions with respect to the behaviour of Phyllis Trayner during and after an arrest that occurred on Ward 4A/B and you gave your evidence with respect to that. Can you tell us whether or not Phyllis Trayner as the team leader would have any special role during the arrest?

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A. She would have a role to explain or to give a report of the child, to answer questions that were posed by the doctors and if there was something that was needed on the floor she would be the person that would know where to obtain whatever.

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Q. And with respect to the nurses







1  
2 who were involved in the arrest as the team leader,  
3 would she have any particular role of directing what  
4 was being done by the nurses?

5 A. She was the charge person on  
6 the floor, yes.

7 Q. And would that give her a  
8 special role in the arrest procedures?

9 A. She would be the charge nurse,  
10 yes.

11 Q. And at the time these arrests  
12 were occurring did you attach any particular signi-  
13 ficance to her behaviour?

14 A. To her behaviour?

15 Q. During the arrest?

16 A. In reference to her bossiness  
17 I attributed that to nervousness.

18 Q. Did you think to yourself that  
19 it was particularly peculiar or anything like that?

20 A. No, not really.

21 Q. You have also given evidence  
22 to the effect that the Trayner team appeared to be  
23 pulling closer together after going through so many  
24 arrests. Can you tell me whether it is unusual for  
25 a nursing team to do that after working together for  
some time?





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A. I would say that wasn't unusual.

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Q. Is there anything inappropriate about that from a nursing point of view?

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A. No, it isn't.

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Q. You were also asked a number of questions about conflicts that may have existed between Susan Nelles and Phyllis Trayner. How seriously did you view those at the time?

10

A. I didn't view them to be very serious.

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Q. You indicated that you couldn't recall any such conflict between another two nurses on that unit. Have you observed conflict between nurses in other situations over the course of your career?

16

A. Yes, I have.

17

18

Q. And what about conflicts between nurses and doctors?

19

20

A. Yes.

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Q. And how about conflicts between doctors?

A. Yes.

Q. Was there anything particularly peculiar about the conflict between Susan Nelles and Phyllis Trayner?







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A. No.

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Q. Can you tell me if there was anything about the behaviour of any of the members of the Trayner team or the relationship between them that led you to believe that they were responsible for the baby deaths on 4A/B?

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A. No.

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Q. Now, you were asked by both Mr. Hunt and Mr. Shanahan about your views with respect to whether a nurse was the most likely classification of person involved if we are considering deliberate overdoses of digoxin and I believe your answer was that it depends on the number of persons involved and that when you said nurses you were referring to the total number of deaths that had occurred over the nine-month period, is that right?

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A. That's right.

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Q. Could I ask you with respect to a lower number? If there was one death by deliberate overdose, who in your opinion might have been involved in such a death?

A. It might have been anyone.

Q. Might it have been a nurse?

A. Yes.

Q. Or a doctor?

A. Yes.

Q. How about a visitor?

A. It could be, yes.

Q. What about a technician?

A. If they had opportunity, yes.

Q. Okay. What if we are talking of five deaths? Do you think that in that case it is possible that it could be a nurse?

A. Yes.

Q. In that case is it possible that it could be a doctor?

A. Yes.

Q. In your opinion would a doctor necessarily be detected in circumstances where there were only about five such deliberate overdoses?

A. Could he be detected?

Q. Yes.





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A. It would be difficult.

MS. MCINTYRE: Those are all my  
questions.

THE COMMISSIONER: Yes.

MS. MCINTYRE: Thank you very much.

THE COMMISSIONER: Mr. Lamek?

MR. LAMEK: Thank you, sir.

REDIRECT EXAMINATION BY MR. LAMEK:

Q. Miss Coulson, we are coming  
to the end. We won't be long.

We have marked as an exhibit this  
morning your statement or the notes of your interview  
on April 29, 1981.

A. Yes.

Q. You have told us or you told  
Miss McIntyre that the fact that the notes occupy only  
four pages and indeed they are printed in double space  
suggest to you that they do not record everything that  
was said in the course of the hour and twenty-five  
minute interview.

A. Yes.

Q. Because as you quite properly  
observed it would reasonably be expected to take more  
than four pages of notes to record an hour and a half  
conversation.







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Q. When did you first see a copy of these notes, Miss Coulson?

A. Just before my preliminary -- my testimony at the preliminary hearing.

Q. As you also told Miss McIntyre this morning in another context, at that time you were looking over these notes in preparation for giving your evidence?

A. Yes.

Q. I take it you looked at them very carefully?

A. As I remember.

Q. Yes. Did it occur to you then that they may not be a complete record of what you told the police?

A. I don't think so, no.

Q. Has it occurred to you at any time until perhaps last night or this morning that these notes may be an incomplete record of what you told the police on that occasion?

A. I thought of it yesterday.

Q. Let me ask you: Do you recall anything else that was said in the course of the meeting on April 29, 1981, that is not recorded in this note?

A. That may have been the day that





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I talked to Constable Murray about my thoughts about Susan and her -- being troubled about her not being the right one; that she hadn't been there.

Q. Well, is it your recollection that you conveyed that thought to the police on more than one occasion?

A. That's what I believe, yes.

Q. I'm sorry. On more than one occasion you tried to tell the police your view about Susan Nelles?

A. That's what I believe, yes. That it would be both the first statement on the 3rd and the second statement on the 29th.

Q. All right. Because the first statement really concern -- or the notes concern Justin Cook.

A. Yes.

Q. And your recollection was from your earlier evidence, as I recall it, that when you said what you said about you didn't think it could be Nelles because she wasn't there for Lombardo, the response was, "I am just interested in Justin Cook."

A. That is right.

Q. Which rather fixes it as being the first interview at that stage, does it not?







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A. Yes.

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Q. And the interview on April  
29, 1981 was in respect to the Miller death.

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A. Yes.

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Q. Do you have a recollection  
now that on that occasion also in the context of dis-  
cussing the Miller death you attempted to say to  
Constable Murray, "I really don't think this could  
have been Susan Nelles because she wasn't there for  
some of the deaths", and particularly referring to  
Lombardo? Do you think you said that again on this  
occasion?

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A. I am sure that something to  
that effect was said, but again it was a matter of  
"We are here to talk about Miller", as far as the  
statement was concerned.

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Q. And were you dissuaded by  
that response from attempting further to make your  
point to the police officers?

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A. Well, I assumed that they  
knew what they were doing when they were doing the  
interview. And I also was aware -- was left with the  
feeling that there was a lot I didn't know, about  
evidence I didn't know.

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Q. As you told Mr. Hunt in the





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course of his cross-examination you didn't mention  
your view as to the unlikelihood of Susan Nelles'  
involvement to the Crown Attorneys when you met with  
them?

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A. That is right.

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Q. Was this a strongly held view  
of yours, Miss Coulson, that they had the wrong person?  
Did you really believe that Susan Nelles was not the  
person responsible for the deaths?

10

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A. I personally believed that she  
was not responsible.

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Q. If you --

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THE COMMISSIONER: Just a moment,  
please.

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MR. HUNT: I wonder if I might -- my  
friend has asked the witness about the interview of  
April 29th, and she has given evidence now in re-  
examination which is quite different than what she said  
to my friend during examination in chief.

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Now it may be that there is some  
reason for that, but I wonder if my friend before he  
moves on would consider exploring what it is that now  
brought that recollection to the witness about something  
that was said by her on the 29th of April which she  
didn't have on Monday when she was asked virtually the







1  
2 same question by my friend, and I am referring to  
3 pages 4181 and 4182 of Volume 106.

4 In those pages my friend dealt with  
5 the question of the interviews with the police, and  
6 beginning at line 16 on 4181, asked the witness whether  
7 on any other occasion she attempted to make her view  
8 known, the view that Susan Nelles was not responsible,  
9 and over at 4182 she indicated that she had another  
10 interview, "...and I can't remember the interview  
itself so I don't know whether I said it or not."

11 And that was left. Now it may be  
12 that something has jogged her memory in the interim  
13 and I do wonder if that might be explored.

14 MR. LAMEK: Now, Mr. Commissioner, my  
15 friend is quite right and it bears another question or  
16 two.

17 Q. Do you have Volume 106 of the  
transcript there?

18 A. No, I don't.

19 Q. Perhaps we can look at it  
20 together.

21 On page 4181 in Volume 106 you had  
22 told me about the occasion of the first interview on the  
23 3rd of April when you attempted to tell the officers  
24 of your belief that Nelles was not the person involved  
25





1  
2 because she had not been present for some of the deaths.

3 At the top of the page I asked you:

4 "Q. What was the response of the  
5 police officers when you said that?"

6 "A. We are here to talk about  
7 Cook."

8 At line 16:

9 "Q. All right. Did you on any  
10 other occasion attempt to make that  
11 view known to the police? The view  
12 that Susan Nelles was not in your view  
13 responsible because she had not been  
14 there for some of the deaths?"

15 "A. I had made a police statement  
16 to that -- it was after the preliminary  
17 hearing."

18 "Q. After the preliminary hearing?"

19 "A. Yes."

20 "Q. At any time between that first  
21 interview on April 3rd and the end of  
22 the preliminary hearing did you repeat  
23 your belief to the police?"

24 "A. I had another interview and I  
25 can't remember the interview itself  
so I don't know whether I said it or  
not."







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Now the other interview I take it was the one we have now marked the note as an exhibit, the interview of April 29th?

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A. Yes.

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Q. And Mr. Hunt's point which of course is valid is this: on Monday you said you could not recall whether in the course of that second interview you had stated this same disbelief in Susan Nelles' involvement. You are telling me this morning you think you did?

11

A. Yes.

12

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Q. Can you tell me - the question is a perfectly proper one I think from Mr. Hunt - what happened between Monday and Thursday that you now think you did do it when on Monday you didn't know whether you had done it?

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A. When I looked at my statement yesterday and when I was -- it was while I was on the stand and I think it was Mr. Percival was asking me a question, it seemed to dawn on me that the time between -- in the second interview, the 29th of April, that four pages would take longer -- I mean it would take more than four pages to fill and hour and a half.

23

Q. Yes.

24

25

A. Or whatever it was. And that





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is what came to me yesterday on the stand, that perhaps it was that meeting that I remember the conversation with John Murray. It just came to me yesterday.

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Q. All right. Do I understand the train of thought and I need to be clear first --

6

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A. Yes.

8

9

Q. -- having recognized yesterday that four pages of notes really can't contain all that is said in an hour and a half --

10

A. Yes.

11

12

Q. -- there must have been something else said which has not been recorded?

13

A. That is right.

14

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Q. And in casting around to think what else could have been said that is not recorded, it has occurred to you that perhaps this was another occasion when you made known your belief about Susan Nelles?

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A. Yes.

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Q. Do I put that fairly?

A. Yes, you do.

Q. From what you said a moment ago though, do I understand that you have a recollection of stating that belief about Susan Nelles to Constable Murray?

A. We had a conversation and that came up in the conversation, yes.

Q. Do you recall saying it to Constable Murray at some time or another?

A. It would have been in that meeting.

THE COMMISSIONER: Which meeting?

THE WITNESS: The 29th, because I believe that is the only time that I talked to Constable Murray.

MR. LAMEK: Q. And you now have a recollection of having told Constable Murray what your belief was about Susan Nelles' involvement?

A. I had trouble with the fact that Susan could have done it.

Q. You told him just before we went back to that that your belief that Susan Nelles had not been involved in these deaths was one which rightly or wrongly you held strongly, it was a strong





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2 belief of yours?

3 A . Yes.

4 Q. And I take it that was based  
5 upon not solely your observation that she had not  
6 been there for all of them, but was it also based  
7 upon your assessment and impressions of Susan Nelles?

8 A . Yes.

9 Q. You like Susan Nelles?

10 A. Yes.

11 Q. I think you told me earlier  
12 that you respected her nursing skills?

13 A . Yes.

14 Q. And her professionalism?

15 A. Yes.

16 Q. Did you consider her personality  
17 attractive?

18 A. Yes.

19 Q. Is it fair that you did not  
20 view her as being the kind of person who could  
21 possibly be involved, in your judgment, in the  
22 deliberate overdosing of children?

23 A. That's right.

24 Q. Now by the time you first  
25 talked to the police, I want to explore this a bit  
more if we can; by the time you first talked to the







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3 police on April the 3rd, Susan Nelles had been  
4 charged with not one but four murders had she not?

5 A. Yes.

6 Q. And you were aware of that?

7 A. Yes.

8 Q. On April the 3rd by the time  
9 you got to that meeting on April the 3rd, did you  
10 think that the police were making a terrible mistake?

11 A. I thought they were wrong,  
12 but then I also thought that they must know a lot I  
13 don't know.

14 Q. All right. You thought they  
15 were wrong, but you told me you had this strongly  
16 held belief that Susan Nelles, not only because she  
17 had not been there for all of the deaths, but on the  
18 basis of your impressions of her, could not be the  
19 kind of person who would murder, with which she  
20 was now charged with having murdered, four children,  
21 is that fair?

22 A. That's right.

23 Q. And if the police were wrong  
24 as you believed them to be, that was indeed a  
25 terrible mistake, was it not?

A. Yes.

Q. Well, did you not think that it





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3 was a horrible miscarriage of justice that Susan  
4 Nelles had been charged in light of your beliefs  
5 as to her non-involvement?

6 A. I thought they had made a  
7 mistake, yes.

8 Q. Had you by April the 3rd  
9 recalled that Susan Nelles had been not on duty  
10 for the Estrella death, for example?

11 A. No.

12 Q. You had not recalled?

13 A. I did not remember that.

14 Q. Even though you knew by April  
15 the 3rd that Estrella was one of the children with  
16 whom she was charged with having murdered?

17 A. Yes, I knew that

18 Q. I understand that this is the  
19 first time that you had ever come close to a murder  
20 investigation?

21 A. That's right.

22 Q. And it must have been a  
23 very frightening experience?

24 A. Yes, it was horrible.

25 Q. You were uncomfortable?

A. Very.

Q. You were nervous?





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A. Yes.

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Q. But for all that, in face of what you believed to be a mistake by the police, namely the charges against Susan Nelles, and if you were right that would be a terrible mistake. Why did you not say: "Listen, I know you are interested in Cook, but you have got to listen to me. I think you have got the wrong lady and here is why."

10

A. I assumed they knew what they were doing.

11

12

13

Q. Whether they knew what they were doing or not, Miss Coulson, is that what you wanted to say to them: "Look, I think you are wrong."

14

A. Yes, I wanted --

15

16

17

Q. You can tell me I am crazy if you like, Constable Murray, Sergeant Warr, whoever it is, but there is something I have got to say to you, is that what you wanted to say?

18

19

A. I said it but I perhaps didn't say it as strongly as I could have.

20

Q. Did you ever say that to anyone?

21

A. I said it to my friends.

22

Q. To Mrs. Johnstone?

23

A. I said it to Mrs. Johnstone.

24

Q. Did you say it to anyone else

25







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3 who might have been capable of saying, hey, hold the  
4 phone, let's look at this thing in light of what  
5 Kathy Coulson has told us. Did you ever bring that  
6 to anybody's attention who might have been able to  
7 influence the course of the investigation or the  
8 prosecution?

8 A. No, I didn't.

9 Q. Can we go to a couple of things  
10 that Miss McIntyre asked you about on Tuesday. If  
11 you find it necessary to refer to the particular  
12 questions and I can direct you to them, but you may  
13 not find it necessary, but if you do please let me  
14 know. Miss McIntyre asked you on Tuesday about your  
15 evidence in which you said; yes, you had been  
16 surprised that some of the children had died when  
17 they did. She asked you about the extent of your  
18 experience in cardiology. You were ready to admit  
19 that of course it was substantially less than that  
20 of Mrs. Radojewski or indeed that of Mrs. Johnstone?

19 A. Yes.

20 Q. Accepting entirely what may be  
21 a far too modest assessment of your knowledge of  
22 cardiology, but accepting as you it, did you  
23 still not feel as you told me in chief a measure of  
24 surprise that some of these children died?  
25





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A. I did. I was surprised at the unexpectedness of the children's deaths, yes.

4

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6

Q. Because after all you had been a nurse for some what, 12 years at that time, 11 or 12 years at that time?

7

A. Yes.

8

9

Q. You had seen many children with all sorts of ailments and conditions, had you not?

10

A. Yes.

11

12

Q. And I take it you felt that you had developed over the years some sort of a feel for the condition of a child?

13

A. Yes.

14

15

Q. Whether that child be in the Infectious Diseases Unit, or the General Medical Ward, or the Cardiology Unit or anything else?

16

A. Yes.

17

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21

Q. And indeed it is part of your job as a nursing supervisor, is it not, to be able to look at children in different areas of the Hospital, areas in which you may have varying degrees of personal expertise?

22

A. That's right.

23

24

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Q. Nevertheless they are looking to you because of your experience and your ability







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to be able to form a rational assessment of the  
condition of a child no matter where he is in the  
Hospital, are they not?

5

A. Yes.

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Q. That is your job. After all,  
you were not coming to each of these children  
totally lacking in information, were you, you had  
your own observation, did you not?

10

A. Yes.

11

12

Q. You had information from the  
nurses who were caring for the child?

13

A. Yes.

14

Q. You had information in the  
chart if you wanted to look for it?

15

A. The chart was available, yes.

16

17

Q. You had information from your  
predecessor on the preceding shift in the tour end  
report?

18

19

A. If there was information on it,  
yes.

20

21

22

Q. And there was an oral report  
from her at the end of her shift and the beginning  
of yours?

23

A. That's right.

24

25

Q. Some children you knew to be





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on constant nursing care, did you not?

4

A . Yes.

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Q. And can one reasonably draw an inference that if constant nursing care is thought necessary for a child, that child may indeed be more seriously ill than others?

8

A . Yes.

9

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11

12

13

Q. In other words not only did you have 11 or 12 years of experience, and developed a feel for the condition of the children to draw on, you had information about the particular child readily available to you at the time you looked at him, did you not?

14

A . Yes, I did.

15

16

17

18

Q. And in the light of all that, your evidence has been that the deaths of some of these children surprised you because they were unexpected, you didn't expect them to die when they did, is that fair?

19

A. Yes, that's fair.

20

21

22

23

Q. Now, Miss McIntyre also asked you on Tuesday; Mr. Commissioner, this is found at page 4254-4255 in Volume 107, of your learning of a high digoxin level in the Pacsai child?

24

A. Yes.

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Q. And although you may not, as on Saturday morning, have known of the particular number that you subsequently learned, nevertheless you were aware on the Saturday morning following the arrest of Allana Miller, that Pacsai had a high digoxin level?

A. Yes.

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Q. And Ms. McIntyre put it to you that that was not particularly startling or unheard of that a child would have a high digoxin level.

A. Yes.

Q. Do you remember that you agreed with that suggestion?

A. Yes.

Q. And of course stated like that it is absolutely right, isn't it?

A. That's right.

Q. In responding to that question, what order of elevated level did you have in mind that is not startling or unusual?

A. 2 to 3.

Q. 2 to 3. A level of 2 to 3 I agree is not startling or unusual. Is it fair to say, however, and it may have been that on the Saturday morning, Miss Coulson, it may have been on the Saturday morning that someone said Pacsai had a high digoxin level, you were thinking of that order of concentration, were you?

A. Yes.

Q. A normal elevated, if I can put it that way, digoxin level.

A. Yes.





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3 Q. But you had another piece of  
4 information about Pacsai, did you not, you knew there  
5 was probably going to be an inquest.

6 A. Yes, that came up.

7 Q. And in the context of the  
8 probability of an inquest and a high digoxin level,  
9 that I take it was a surprising piece of information  
10 for you.

11 A. Yes.

12 Q. Yes. The combination of those  
13 two things served to be a matter that caused you some  
14 concern, as I think you told me in chief. Is that  
15 fair?

16 A. Yes.

17 Q. Now, in the course of Miss  
18 Förster's cross-examination of you, and this is found  
19 in Volume 107, page 4355 to 6, do you recall Miss  
20 Forster in the context of asking you about the basis  
21 for your identifying Phyllis Trayner as in your mind  
22 being the person most likely involved because of her  
23 presence at a number of deaths, asked you whether  
24 indeed you were present at a great number of deaths.

25 A. Yes, I was.

Q. And you frankly said yes, you were.

A. Yes.







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Q. She asked you, how did you account for that and you said because you were on duty and she said, well that is not suspicious, is it, and of course you said no. Perfectly straight forward answers. But, Miss Coulson, although you were present in the hospital for, let us look at the charts that we've got numbering some 27 deaths, you were present in the hospital for 20 of those. It's fair, is it not, that in the case I believe of only 11 of them were you supervising the ward on the night of the deaths, I think it to be 11, it is 11 or 12 anyway.

13

A. Yes, it is.

14

Q. Some number substantially smaller than 20.

15

A. Yes.

16

17

Q. And it was only in those cases that to the best of your recollection you had been on Wards 4A/B prior to the arrest being called.

18

19

A. If the arrest was later on in the morning, yes.

20

21

Q. Yes.

22

A. Yes.

23

Q. And in the case of those other deaths which occurred while you were in the hospital but

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not supervising those wards, can you recall any of them where you had been on the ward during that shift prior to the calling of the arrest?

5

A. Can you say that again, please?

6

7

8

Q. Yes. On those nights when a death occurred but when you were not supervising 4A/B, can you recall any night, any of those nights when you had been on 4A/B prior to the arrest?

9

10

A. I may have gone for a cup of coffee on occasion but other than that, no, I didn't.

11

12

Q. Do you have any particular recollection of it?

13

A. No recollection.

14

15

16

17

Q. It may be self-evident, Miss Coulson, but if the first time you appear on the ward is after the arrest had been called, it is fair to say, is it not, that you could not have had anything to do with bringing about the arrest.

18

A. That's right.

19

20

21

22

Q. Okay. Therefore, your presence in the hospital for about 20 of these 27 deaths overstates, does it not, your presence on the ward for a number of deaths prior to the time of an arrest.

23

A. Yes.

24

25

Q. Okay. Just a couple of more points,





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if I may.

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A. Yes.

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Q. And Mrs. Johnstone had produced  
the name of Susan Nelles.

13

14

The question in particular that I have  
in mind to recall to you is at the bottom of page 4438,  
beginning at about line 16:

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"Q. And in fairness to you there had  
been at least according to the facts  
and figures in this commission -- we  
are talking in terms of a minimum of  
36 baby deaths that had occurred up  
until that time or 35 up until just  
before -- in fact 36 at that point in  
time.

22

A. Yes.

23

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Q. All right. Now, do I take it that







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6 2 all of those 36 deaths weren't in your  
3 mind, the details of them.  
4 A. There were no details. I was  
5 thinking collectively --  
6 Q. I see.  
7 A. -- back to the events from July."  
8 Do you remember saying that to Mr.Percival?  
9 A. Yes.  
10 Q. And indeed you have said that on  
11 a number of occasions in the course of cross-examina-  
12 tions, have you not?  
13 A. Yes.  
14 Q. In looking back that night, I  
15 want to be sure what you mean by I was looking back  
16 collectively to July. On the night of March 24th in  
17 that discussion with Mrs. Johnstone, and it may have  
18 been during the day of the 24th as well, I don't know,  
19 were you casting back in your mind to see those  
20 deaths or the kind of death that might have been  
21 caused by non-natural causes. Not the individual  
22 deaths but the kind of deaths that had bothered you  
23 as they occurred and which you now had cause to think  
24 may have been caused by non-natural matters. Is that  
25 what you were doing?  
A. I was thinking of the runs or the





1  
2 clusters because they happened in 2's and 3's.  
7 3

4 Q. You were thinking particularly  
5 were you not of the deaths that had occurred in the  
6 middle of the night.

7 A. Yes. The deaths that had occurred  
8 during the night.

9 Q. Yes. You knew there had been a  
10 lot of those.

11 A. Yes.

12 Q. I suggest that on the 24th of  
13 March, 1981 you couldn't have said to save your life  
14 just how many of them there had been in the middle of  
15 the night, could you?

16 A. Numbers, no.

17 Q. And you certainly couldn't  
18 recall the details of each child or what had happened  
19 at the arrest or anything of that sort.

20 A. That's right.

21 Q. But were those the deaths, the  
22 ones that had occurred in the middle of the night  
23 which back in December you had decided couldn't be  
24 attributed to mere coincidence?

25 A. Could you say that again, please?

Q. Back in December you told us  
you decided that coincidence couldn't explain this







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repeated pattern of deaths in the middle of the  
night.

3

4

A. That's what I felt, yes.

5

6

Q. Okay. And you felt that some  
time in December when there was another cluster  
of night time deaths you said.

7

8

A. Yes.

10

11

Q. Essentially as of March were  
those the deaths you were thinking of, the ones  
which you had no longer been able to explain in terms  
of simple coincidence?

12

13

A. Are you referring just to the  
December one?

14

15

Q. I am referring to the whole of  
the deaths in the middle of the night.

16

17

A. I am sorry, would you repeat that?

18

19

Q. Okay, let me come at it again  
in a slightly different way. As of December you were  
witnessing your second cluster of night time deaths,  
were you not?

20

A. That's right.

21

Q. And you yourself encountered a  
cluster in July?

22

A. Yes.

23

Q. You were aware that there had been

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a number of night time deaths in August.

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A. Yes.

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Q. And then there had been a reduction in the numbers in the fall but in December you were aware of another, 4 or 5 night time deaths.

7

A. That's right.

8

9

Q. And at that stage you told us you said to yourself, this can no longer be thought of as mere coincidence.

10

A. That's right.

11

Q. Something is happening.

12

A. That's right.

13

14

15

Q. And indeed from that time on, from December, were you not racking your brain to find out what it was that was happening to explain these night time deaths?

16

A. Yes.

17

18

Q. It was the night time deaths that you were concerned about, was it not?

19

A. Yes.

20

21

22

Q. And therefore in March, on March 24th when you say you looked collectively at the deaths, were you not looking back over that sweep of night time deaths which were otherwise unexplained?

23

A. That's right.

24

25





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3 Q. Now, on March 24th, with the  
4 presence of homicide officers in the hospital, for  
5 the first time you really had to accept the horrible  
6 thought that it may be some one, not some thing that  
7 was happening on that ward and in that context did  
8 you cast your mind back over those deaths collectively  
9 which fell into the troublesome category the night  
10 time deaths?

11 A. That's right.

12 Q. That's what you mean when you say  
13 you looked at them collectively?

14 A. Yes.

15 Q. You didn't say there was Jones  
16 and Smith or Adamo or anything like that, you were  
17 saying there was a whole sweep of night time deaths  
18 here.

19 A. Yes.

20 Q. And now I have to wonder whether  
21 someone may have caused them. Is that what you mean  
22 you were doing on the 24th of March?

23 A. Yes.

24 Q. And in doing that you recognized  
25 at least one name out of that whole crowd, it was  
a child at whose arrest and death you knew that Susan  
Nelles had not been present.







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A. That's right.

Q. And your memory was assisted by the recollection of the conversation you had had with her brother the day after the death.

A. Yes.

Q. So, it wasn't Lombardo as a child who was not expected to die that you regarded as significant, is it fair to say it was Lombardo as one of that sweep of night time deaths that was important?

A. Yes.

Q. Okay. And in that context of looking back collectively, as I think you have now understood it, in that context the absence of Nelles for one death struck you as significant

A. Yes.

Q. To be absolutely clear, it was not the condition of Lombardo, the events of her arrest or anything else that made you attach any significance to Nelles' absence, it was the fact that Lombardo was one of those night time deaths which you were now confident could not be explained by sheer coincidence.

A. That's right.

Q. All right. Now, when Mr. Roland





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asked you questions yesterday he referred you to discussions that were going on in the hospital in the fall and winter of 1980, the proposal of an intermediate ICU, what you call a step down unit.

6

A. Yes.

7

8

Q. And he asked you at pages 4471 to 2 whether when you heard of that proposal it eased your concerns and you said yes it did.

9

A. Yes.

10

11

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Q. That proposal, as we have heard in earlier evidence, Miss Coulson, had been raised and discussed through the fall of 1980 but I think fairly came to a head in the sense of becoming a concrete proposal following a meeting that was held I think on January 11th, 1981. You have told us that you were not at that meeting, but I think you subsequently learned there had been such a meeting.

17

A. I heard about it later, yes.

18

19

20

Q. And was it to the best of your recollection subsequent to that meeting that you heard that there was now a concrete proposal to establish an intermediate ICU, a step down unit?

21

22

23

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A. After that meeting?

Q. Yes.

A. Yes.





Coulson  
re. ex. (Lamek)

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Q. Okay. Now, by that time of course you had already, by the end of December, decided in your own mind that this state of night time deaths was more than just coincidence.

A. Yes.

Q. By the time you heard about the proposal to form an intermediate ICU, you were already persuaded that something was happening on the cardiology ward that was causing those deaths in the middle of the night, had you not?

A. Could you say that again, please?

Q. Yes. Prior to learning about the proposal for an intermediate ICU, which was some time after January 11th you told me you learned that, prior to learning that you had already decided in your own mind that something was happening on those cardiology wards that was causing these deaths in the middle of the night.

A. I said some time in the winter, yes.

Q. Well, I thought you had also told us it was in December when that cluster of deaths occurred again.

A. That's right.

Q. All right. How in your mind was







1  
2 the establishment of an intermediate ICU going to  
3 affect whatever it was that was happening and causing  
4 those deaths in the middle of the night? In other  
5 words, what I am asking you is, why or how could you  
6 take comfort from that proposal in light of the  
7 conclusion at which you had already arrived?

8 A. I don't remember.

9 MR. ROLAND: Well, to be fair to the  
10 witness, Mr. Lamek asked her about this sort of thing,  
11 her thoughts in this time period when he first  
12 asked her questions several days ago when she said,  
13 rightly or wrongly, that she was concerned about there  
14 being a problem from surgery, coming too early from  
15 surgery and so on. She has already said that to Mr.  
16 Lamek, and I don't have the page -- yes, I do have  
17 the page. Ms. Thomson has given me it, it is  
18 page 4130 -- about that. So, there are things that  
19 were going on in her mind, she has already told us  
20 about that.  
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MR. LAMEK: Q. Did you believe as of January 1981 that the common thread that might be causing all these nighttime deaths that were troubling you had something to do with surgery or post operative matters? Did you still believe that in January?

A. I remember there was talk of the children coming from ICU too soon, and I can't remember whether they all had as a common thread like you are saying, whether that was the reason for them not being transferred. I can't say specifically. I don't remember.

Q. All right. Let's explore just a little if we can, Miss Coulson. You have told us that following that further rash of deaths in December, you came to the conclusion this was no simple coincidence?

A. That is right.

Q. That something was happening on that ward?

A. Yes.

Q. And you couldn't put your finger on it?

A. That is right.

Q. Had it been that you believed that children were coming from the ICU too soon and that





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was the reason, then you would have put your finger on it, wouldn't you? That would have been the explanation in your mind, would it not?

A. It could have been, yes.

Q. And the fact that you couldn't put your finger on it suggests to me, at least, that you didn't regard that as the explanation, is that fair?

A. It makes sense.

Q. Yes. And therefore I ask you again how in light of the conclusion at which you had arrived that something was going on on that ward, how your concerns were eased by the word that there was to be an Intermediate ICU? How did that resolve the questions that were teeming through your mind?

A. I don't know.

Q. Can I suggest this to you, Miss Coulson: you wanted to believe that might be the answer, didn't you?

A. You are probably right, yes.

Q. You wanted to have those concerns allayed, did you not?

A. Yes.

Q. Because if those concerns were pressed too far, they might lead you to a place







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that you dreaded going; isn't that fair?

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A. Yes.

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Q. Just one other matter if I

5

may, please. In the course of Mr. Shanahan's cross-examination, and this is found in yesterday's transcript

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at pages 4553 to 5, he picked up on a matter that

7

Mr. Hunt had discussed with you. The question of the

8

measure of confidence or certainty with which you

9

would say a nurse must have been involved depended

10

on the number of deaths you were thinking about. Do

11

you remember that? That topic?

12

A. Oh, yes.

13

Q. And in response to questions

14

as I noted your answer and perhaps we should look at it to be absolutely clear, pages 4553 to 4555, Mr.

15

Shanahan, and I don't mean in any way to use any

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pejorative term about the question, but he was playing

17

a bit of a numbers game with you, was he not, saying

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if it was this many, would you think it had to be a

19

nurse, and if you think that, how about this many,

20

and so on. And that is a very difficult game to play,

21

is it not, for you?

22

A. Yes.

23

Q. Because there is no clearcut line at which your thinking shifts?

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A. There is nothing clearcut.

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Q. It is merely that at a certain

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point at a certain number that you can't possibly

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define you had to say that is the frequency that to

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my mind can probably only be achieved by someone who

7

was on that ward constantly hours at a stretch, a

8

nurse? Is that really what you are saying?

9

A. Would you say that again?

10

Q. Yes.

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At some point in time the number of

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deaths becomes such that you say, gosh, at that point

13

I think it has to be a nurse because they are the

14

people with regular, constant, long-term access to

these children. Isn't that really what you are saying?

15

A. Yes.

16

Q. You can't fix a numerical

17

point, but at some point your feel for it changes,

doesn't it?

18

A. Yes.

19

Q. Okay. I don't want to play

20

that numbers game either, but I want to suggest this:

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in the month of March 1981 I take it as that month

22

progressed the tension on that ward was growing and

you could feel it growing, could you not?

23

A. Yes.

24

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Q. Because deaths occurred

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with a startling regularity, did they not?

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A. Yes.

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Q. And if some strange or

6

unauthorized person had been seen even once in the

7

middle of March in a child's room at night, how would

8

you rate the chance of that person escaping detection?

9

A. He wouldn't.

10

Q. They wouldn't? Is it really

11

conceivable that someone unauthorized, unknown - well,

12

not unknown, just unauthorized - could have come on to

13

that ward on March 7th, the night of March 7th when

14

Warner died, the night of March 8th when Hines died,

15

the night of March 9th when Gionas died, the night of

16

March 12th when Manojlovich and Pacsai died, the night

17

of March 13th when Inwood died and the night of

18

March 18th when Gardner died, without being seen?

19

Do you really think that is credible?

20

A. No.

21

Q. In other words, forget about

22

the sweep of things. That may be history. In March

23

with the feeling that was abroad on that ward, are you

24

not forced to the conclusion that if those children

25

died of a digoxin overdose (accept that assumption) if

they died of a digoxin overdose, it had to be







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administered by someone who was regularly on that ward and whose presence in a child's room would cause no comment. Is that fair?

A. That is fair.

Q. All right.

In that context, and forgetting about 20, 25, 30, anything else, are you forced to the conclusion if those children in March died of digoxin overdose, are you forced to the conclusion that those deaths were probably caused by a nurse?

A. I can't answer that. I can't say for sure.

Q. Who else could it have been?

A. It might have been a doctor.

Q. It might have been a doctor?

It might have been a doctor. I don't ask you to say for sure because nothing in life is sure. I ask you whether you are forced to say probably?

A. Probable. I'm sorry, I don't understand.

Q. I asked you were you not forced to the conclusion that those deaths if they were digoxin overdose deaths were probably caused by a nurse. As between doctor and nurse I ask you to play a numbers game. How do you rate the probabilities





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there?

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A. I'm sorry, I would like you  
to repeat that.

4

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Q. Okay. In light of the  
number of deaths that occurred in March, and I didn't  
even mention Miller and Cook at the end of my litany  
of them --

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7

8

A. Yes.

9

Q. -- in light of the number of  
deaths that occurred in March and if each of the deaths  
that I have enumerated for you was brought about by  
an overdose of digoxin or some other drug -- we have  
agreed that in the atmosphere of that ward that could  
only have been done by someone whose presence in those  
children's rooms would have caused no comment?

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A. That is right.

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Q. That is fair? And that

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takes us, does it not, essentially to two groups,  
nurses and doctors?

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19

A. Yes.

20

Q. And I take it the presence of  
a doctor on the ward, just on the ward (never mind in  
a room) is something that people notice. When Dr.  
Jones comes on to the ward, that is noticed. It is  
not noticed in any sinister way but it is observed that

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he is there, isn't it?

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A. That is right.

4

Q. As between doctors and nurses

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and a member of either group being responsible for the

6

deaths of all those children in March, if they were

7

digoxin deaths, how would you rate the chances in your

8

view that it was a doctor as opposed to a nurse? You

9

say it might have been a doctor, might have been?

10

A. Yes.

11

Q. Play the numbers game with

12

me, Miss Coulson. In your best estimate, knowing what

13

you did of that ward and the tension and the atmosphere

14

that was growing, how do you rate the chances that it

was a doctor?

15

A. Between a doctor and a nurse?

16

Q. Yes.

17

A. Not as high.

18

Q. Okay. I am not going to

19

press you any further on that, but we are agreed at

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least those are the two likely groups in all the

circumstances, and you say the chances of it being a

doctor were not as high. Do I understand you?

21

A. Yes.

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MR. LAMEK: Miss Coulson, thank you

23

very much. You have been very helpful to us.

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THE COMMISSIONER: Yes.

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MR. PERCIVAL: May I have leave to cross-examine this witness on one matter that was brought up by both Miss McIntyre and Mr. Lamek this morning with reference to her interviews with Constable Murray?

THE COMMISSIONER: Yes. You realize that I will call upon Miss McIntyre and Mr. Lamek after?

MR. PERCIVAL: Yes. Absolutely. I understand that.

THE COMMISSIONER: Yes. All right.

MR. PERCIVAL: There has been a slight change and I just want to know what it was.

THE COMMISSIONER: Yes.

FURTHER CROSS-EXAMINATION BY MR. PERCIVAL:

Q. Miss Coulson, I understand that this morning you have given evidence to Mr. Lamek and Miss McIntyre to the effect that you believe that it was on April 29, 1981 when you saw Constable Murray and were asked questions about Baby Miller that you believe you might have told him that Susan Nelles was not in your view responsible because she had not been there for some of the deaths. Do I correctly state your evidence this morning?





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A. Yes.

Q. All right. And do I further understand your evidence is that you believe that you only saw Constable Murray on one occasion and why you say that is having looked at it yesterday at my request, it was only four pages and you thought you must have said it to him. Do I again correctly state your evidence?

A. I would ask you to repeat that.

Q. When you saw Constable Murray a four-page statement was taken.

A. Yes.

Q. And you believe you did say it to Constable Murray?

A. Yes.

Q. And this statement took place between 8:30 a.m. and 9:55 a.m. and I gather you say that you probably did say it to Constable Murray because of that time sphere and the brief statement?

A. That is right.

Q. When you were initially questioned by Mr. Lamek at 4181 about this, over to 4182, and I will read it to you if I may, at line 16:

"Q. All right. Did you on any other occasion attempt to make that





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view known to the police? The view that Susan Nelles was not in your view responsible because she had not been there for some of the deaths?"

"A. I had made a police statement to that -- it was after the preliminary hearing."

"Q. After the preliminary hearing?"

"A. Yes."

"Q. At any time between that first interview on April 3rd and the end of the preliminary hearing did you repeat your belief to the police?"

"A. I had another interview and I can't remember the interview itself so I don't know whether I said it or not."

That was evidence that you gave under oath on February 20, 1984.

Do you recall giving that evidence?

A. Yes, I do.

Q. Now what concerns me, Miss Coulson, is I gather at some point in time you felt different than your evidence on the first occasion when you gave it. When did that come to you?

A. Yesterday afternoon.







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Q. Well, are you aware of the fact that Constable Murray did not interview you just once but he interviewed you on two occasions, and the second occasion was on December 8, 1982 when you were questioned by both Constable Margo Pulford and Constable John Murray, and you have a copy of that supplementary report in front of you?

A. Yes, that is right.

Q. Does that refresh your recollection as to the time, and really this is all my question relates to?

A. At the time of the second interview with Officers Murray and Pulford --

Q. Yes.

A. -- that is when we talked about Phyllis Trayner.

Q. All right. You also talked about Susan Nelles in some detail as well. Can I put it to you that at this point in time you cannot be certain in view of your evidence on the first occasion that you gave and the fact that Constable Murray saw you on two occasions, not one, that it may have been during the course of the extensive interview on December 8, 1982 after the discharge of Susan Nelles that you expressed that belief that you have indicated?





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A. It was the time frame that jumped out at me yesterday, and that is what makes me believe that this is when I talked to Constable Murray on the 29th of April.

Q. Well what concerns me is that initially one day you say I can't remember the interview and the next day you say that you can remember the interview and now it is fairly clear that on December 8, 1982 John Murray also interviewed you on a second occasion.

Can you be certain at all when you said that to Constable Murray?

A. I know I said it on the second interview because it is down there.

THE COMMISSIONER: You mean the one in December?

THE WITNESS: In December, yes.

THE COMMISSIONER: Yes. The second interview.

THE WITNESS: Okay. It is down there. But yesterday when you were talking to me, that is when something you said sparked something in my memory about the time and I could picture meeting with John Murray in the administrative office at the end of April.





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MR. PERCIVAL: Q. Well, ma'am, is it  
any more -- if that is your evidence today, and if that  
is where you are at, is it any more than saying to  
Constable Murray, you know, she was there certainly  
for Baby Miller but she wasn't there for some of  
the deaths, and left it as general as that?

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A. It came up in general conversation, it was not --

Q. What I am getting at is --

MS. McINTYRE: Could the witness please finish her answer.

MR. PERCIVAL: I'm sorry.

THE COMMISSIONER: I think she did have something to say.

A. We did have a conversation and that to me would explain the length of time for that second interview of the 29th of April.

MR. PERCIVAL: Q. What I am getting at is this: When you said he was questioning you clearly about Baby Miller at that point, correct, on April 29th?

A. He wasn't questioning me clearly; we were discussing -- I was relating events.

Q. Is there anything more, at least in the statement that deals with anything other than Baby Miller?

A. No.

Q. And what I am getting at is this: If we are prepared to accept the fact that you said that to him, was it just a general comment, you know, that Susan Nelles was not there for some of





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the deaths? Is that as general as it was, that is really what I want to be certain of without mentioning the deaths or without mentioning who, what babies, if you can assist me?

6

A. It came out in conversation; I can't say how general.

7

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MR. PERCIVAL: Thank you, Miss Coulson.

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THE COMMISSIONER: Miss McIntyre?

10

MS. MCINTYRE: Thank you, Mr.

11

Commissioner. I think Mr. Percival's question don't need any reply. Thank you.

12

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THE COMMISSIONER: Yes. Mr. Lamek?

14

MR. LAMEK: Just a couple of questions, if I may, to try to clear this thing up.

15

FURTHER REDIRECT EXAMINATION BY MR. LAMEK:

16

Q. Miss Coulson, I want to be sure

17

what it is that leads you to believe now that it was on

18

April 29, 1981 that for the second time you said to a

19

police officer, I really don't believe this could have

20

been Susan Nelles; she wasn't there for some of these

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deaths. You told me that you recall saying that to Constable Murray?

22

A. Yes.

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Q. Now, a few minutes ago when I

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was asking you about this, was it your recollection that you had only talked to Constable Murray once?

A. I talked to Constable Murray twice, but I was -- when you asked me that question, I was referring to before the preliminary hearing, my statement there.

Q. All right. And so far as concerns the presence of Constable Murray, it could either have been April 29, 1981 or December 2, 1982; is that fair?

A. I have spoken to him on both those two occasions, yes.

Q. Now, you say it was in the administrative offices?

A. Yes.

Q. Is that where the interview of April 29th took place?

A. Yes.

Q. Is it not also where the interview of December 2, 1982 took place?

A. Yes.

Q. And so that doesn't help us to decide as between the two occasions?

A. That's right.

Q. Is there anything other than







1  
2 your belief that something more must have been said  
3 on April 29th than is contained in four pages, is there  
4 anything more than that that leads you to believe that  
5 it was on April 29, 1981 rather than December 2, 1982  
6 that you gave this information to Constable Murray?

7 A, I remember talking to him and  
8 it was a conversation and it took a long time, and that  
9 is when the time, the timing when I looked at it  
10 yesterday, what is it, 8:30 to 9:55, that is why it  
11 took so long is because we were talking, and that is  
12 when I gave him that information.

13 Q. You are sure that is when you  
14 gave him that information, or is it that you think that  
15 may have been the occasion when you gave it to him  
16 because after all something more had to be said than  
17 they wrote down?

18 A. As clear as I can make it it  
19 was on that day.

20 Q. All right. Although it was  
21 on December 2, 1982 that you disclosed to the police  
22 for the first time the conversation that you had had  
23 with Lynn Johnstone, the exchange between the two of  
24 you as to Miss Nelles and Mrs. Trayner?

25 A. That's right.

Q. That was the occasion when





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you told him of that conversation?

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A. Yes.

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Q. But it is your belief that  
it was on April 29, 1981 that for the second time you  
then said to Constable Murray, right away, I really  
don't think this was Susan Nelles?

9

10

A. I said I really had trouble  
thinking that.

11

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Q. The conversation that you  
have related?

MR. LAMEK: Thank you very much.

THE COMMISSIONER: Yes. Thank you,  
Miss Coulson. Now, I think we had better take our  
break, had we not?

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MR. LAMEK: Yes, that would be  
convenient, and start with Miss Frise after the break.

THE COMMISSIONER: Yes.

MR. LAMEK: Thank you.

THE COMMISSIONER: We will take 20  
minutes.

20

--- recess.

21

--- on resuming.

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THE COMMISSIONER: Yes, Mr. Lamek.

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MR. LAMEK: Mr. Commissioner, the  
next witness is Meredith Frise.





1  
2 MEREDITH FRISE, Sworn

3 DIRECT EXAMINATION BY MR. LAMEK:

4 Q. Miss Frise, I understand that  
5 you are employed at The Hospital for Sick Children.

6 A. That is correct.

7 Q. And that you are a Registered  
8 Nursing Assistant.

9 A. That is correct.

10 Q. You are originally I believe  
11 from Peterborough, and graduated from the Kennen  
12 Collegiate in Peterborough in 1979?

13 A. That's correct.

14 Q. And you are now twenty-three  
15 years old?

16 A. That's right.

17 Q. And you received a Registered  
18 Nursing Certificate from Kennen Collegiate in  
19 Peterborough, did you not?

20 A. That is right.

21 Q. And since March of 1980 you  
22 have worked at The Hospital for Sick Children?

23 A. That's right.

24 Q. And in the period in which we  
25 are interested, that is to say from July of 1980 until  
March of 1981, you were a Registered Nursing Assistant







1  
2 on Ward 4B, I believe?

3 A. That is correct.

4 Q. And if I have it correctly  
5 you were a member of the nursing team led by Karen  
6 Power?

7 A. That's correct.

8 Q. There are just four matters  
9 that I want to discuss with you quite briefly, Miss  
10 Frise, if I may. They are first the events of March  
11 23, 1981. On Monday, March 23, 1981, did you attend  
12 a meeting in the evening at the home of Liz Radojewski?

13 A. Yes, I did.

14 Q. Liz Radojewski was the head  
15 nurse on Ward 4A?

16 A. That's right.

17 Q. Had you been on duty during  
18 the day of March 23rd?

19 A. No, I was not.

20 Q. Indeed when last had you been  
21 on duty prior to this meeting that was held at Liz  
22 Radojewski's home?

23 A. The 23rd is a Monday and I  
24 was on on the Sunday.

25 Q. Were you working the long  
day shift on the Sunday?





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A. That's right, yes.

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Q. You were not at work on

4

Monday, the 23rd. Can you tell me how and when you  
learned that there was to be a meeting at Radojewski's  
home?

6

7

A. I believe the best I can recall  
is someone phoning me at home to say there was a  
meeting.

8

9

Q. During the day on Monday?

10

A. Yes, what I can recall, yes.

11

Q. Do you recall whether it was

12

the morning or the afternoon that you received that call?

13

A. It would be in the morning.

14

Q. Do you recall who it was that  
telephoned you?

15

A. I think it was Mary Costello.

16

Q. Were you told at that time

17

what the purpose of the meeting was?

18

A. No, I did not.

19

Q. Did you say you would go?

20

A. Yes, I did.

21

Q. And did you go?

22

A. Yes, I did.

23

Q. And we have heard I believe  
in other evidence that that meeting started at about

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seven o'clock in the evening.

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A. That is correct.

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Q. Now, prior to going to that meeting, did you meet with any other of the nurses from Ward 4A and 4B early in the day on Monday, March the 23rd?

A. Yes, I did.

Q. Do you recall with whom you met?

A. We went to Phyllis Trayner's apartment prior to the meeting at Liz' house.

Q. How did that come about?

A. That came about, I believe it was Phyllis who phoned and said, why don't you come to my place before we go to Liz', to have a drink and to have something to eat.

Q. And at what time did you go to Mrs. Trayner's house?

A. Approximately two o'clock.

Q. Was it in the morning then that she called?

A. Yes, it would have been in the morning.

Q. Was she aware that you were going to the meeting at Liz Radojewski's home in the







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evening?

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A. Yes, she was.

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Q. Did she tell you what the

5

Radojewski meeting was to be about?

6

A. No, not that I can recall.

7

Q. Did you ask her?

8

A. No, I don't think I did.

9

Q. Did you go to Mrs. Trayner's

house in the afternoon of Monday, March 23rd?

10

A. Yes.

11

Q. What time did you arrive there?

12

A. At two o'clock.

13

Q. Did you go alone or did some-

body go with you?

14

A. I went with Marie Mandal.

15

Q. And she was also a nurse on

16

4A/B?

17

A. 4A, yes.

18

THE COMMISSIONER: I'm sorry, Mary

19

Mandal?

20

THE WITNESS: Marie Mandal.

21

THE COMMISSIONER: Oh, Marie Mandal, yes.

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MR. LAMEK: Q. Marie, M-a-r-i-e, I

believe, Mandal?

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A. That's right.

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Q. Did you ask Mrs. Trayner why she was calling you to suggest you go to her house on that afternoon, after all, you were on 4B, were you not?

A. That's right.

Q. Had you had much prior contact with Mrs. Trayner?

A. Other than work, no.

Q. Had you ever been to her house before?

A. No, I was not.

Q. Had you ever been invited to her house before - an apartment it was, wasn't it?

A. That's right.

Q. Had you ever been invited there before?

A. No.

Q. Had you ever socialized with Mrs. Trayner outside the Hospital prior to that?

A. No.

Q. And did you ask her why she was inviting you?

A. She was inviting me because I was off that day prior to the meeting.

Q. Did she tell you that or is





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that something that you infer from the fact that she  
called to invite you?

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A. That's right.

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Q. The latter, you mean?

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A. That's right.

7

And you went with Marie  
Mandal?

8

A. That's correct.

9

Q. Where did the two of you meet

10

up?

11

A. Marie came to my apartment.

12

Q. And you went together to

Mrs. Trayner's apartment?

13

A. That's right.

14

Q. Who else was there, if anybody?

15

A. From what I can recall, Jane

16

Partridge --

17

Q. Can I ask you to do one thing

18

for me, Miss Frise, could you identify each of the

19

people you recall having been there and would you

20

remind us whether they are from 4A or 4B?

21

A. Yes. Jane Partridge was

from 4A.

22

Q. Yes.

23

A. And Mary Jean Halpenny was -

24

25







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who was from 4B.

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Q. Yes. Do you recall anybody

4

else who was present in the afternoon at Mrs. Trayner's  
apartment?

5

6

A. No, I can't recall anybody

7

else.

8

Q. Is your recollection that there

9

was no one else there, or there may have been other  
people there but you can't now remember?

10

A. That's correct.

11

Q. The latter again?

12

A. Yes.

13

Q. How long did you stay at

14

Mrs. Trayner's apartment that afternoon?

15

A. Maybe until about six o'clock,

16

before we went to Liz Radojewski's house.

17

Q. You all left at approximately

18

the same time to go to Liz Radojewski's home?

19

A. That's right.

20

Q. So you were there for approxi-

21

mately what, four hours?

22

A. Yes.

23

Q. And there were to the best of

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your recollection the five of you there?

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A. That's right.





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Q. Four hours is a long time.

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Can you give me please your best recollection of what was discussed during that afternoon at Mrs. Trayner's apartment?

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A. From my best recollection they

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talked about the deaths within the Hospital, so many deaths we had on the floor, not any particular death

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at all that I can recall. Something to the effect of the possible Coroner's inquest on the Pacsai baby.

9

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THE COMMISSIONER: Are we talking now

11

in the afternoon or the evening?

12

THE WITNESS: We are talking about

13

the afternoon.

14

MR. HUNT: I am having some difficulty

hearing the witness.

15

THE COMMISSIONER: Yes. I think there

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is a little problem.

17

MR. LAMEK: Perhaps you could sit

18

a little closer to the mike.

19

THE COMMISSIONER: I think if you

pull that, that's a terrible noise.

20

MR. LAMEK: It certainly worked.

21

Q. As you say you recall that

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there was talk about deaths that had occurred on the

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floor although not individual deaths. There was

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discussion too of the Coroner's inquest that was  
apparently to be held on the Pacsai child. Can you  
remember any other topic that was discussed during  
the course of the afternoon?

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A. I believe that it was dis-  
cussed they were, meaning the nurses, missing something  
in regard to these children's deaths, could we help  
by preventing them.

9

10

Q. Any other topic that you can  
now recall?

11

12

A. None that I can recall, no.

13

14

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Q. Those three topics, you say  
the first one that comes to mind is deaths that had  
occurred on the floor, although there was not discussion  
of individual deaths. Can you tell me what was said  
about the deaths that had occurred?

16

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A. Why were there so many. Why  
did they happen when a particular team was on. Was  
someone doing something wrong at that time.

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Q. Now, the only person from the 4A team on duty at the time of most of these deaths was at that meeting in the afternoon was Mrs. Trayner herself, is that not right?

A. That's what I recall, yes.

Q. When the question was discussed why were they occurring when one team was on, was the focus on the 4A team that was on or on the teams that were on both wards at the time?

A. From my recollection it was the 4A team.

Q. 4A team. And the question was raised, was it, as to why are all these deaths happening at all and why are they happening with just poor Mrs. Trayner's team?

A. That's right.

Q. Are there any thoughts, any comments that you can recall on that topic other than the question being raised?

A. I can't recall.

Q. All right. And do you recall anything that was said about the topic of the Coroner's inquest that was apparently to be held on the Pacsai child?

A. In regard to that, Liz





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Radojewski had phoned Sue Nelles and told her that there would be an inquest on that and we were stating, like, was there going to be an inquest.

4

5

Q. You knew about the call from Mrs. Radojewski to Miss Nelles?

6

7

A. That's right.

8

9

Q. Because we have heard that Miss Nelles had talked about that on the, I think on the Saturday morning.

10

A. That's correct.

11

12

Q. And your question was, why was there going to be an inquest at all?

13

A. Yes.

14

15

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17

Q. Did you have any information at that time that Pacsai had apparently had an elevated digoxin level? Were you aware of that or did others at this meeting in the afternoon of the 23rd appear to be aware of that?

18

19

A. I believe others were aware of it and, you know, it was a small topic but nothing that large.

20

21

Q. But you learned about it at that meeting in the course of the afternoon?

22

23

A. From what I can recall, yes.

24

25

Q. Did anybody suggest that there





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might be a connection between the elevated digoxin level in the child and the fact that there was likely to be an inquest?

A. Can you state that question again?

Q. Yes. Did anybody link those two pieces of information together, that the digoxin level in the child had something to do with the reason for holding an inquest on his death?

A. No, not that I can recall.

Q. You don't recall anybody made that connection?

A. No.

Q. Do you recall anything else about the discussion about the inquest that was going to be held?

A. No, I cannot.

Q. Did anybody suggest any reason for there being an inquest on Pacsai? You say the question was asked why was there going to be one. Do you recall whether anyone had any explanation to offer?

A. I think the explanation was that the child had died within 24 hours of admission.

Q. Okay.







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A. And usually there is, you know, why did that child die within 24 hours of admission.

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Q. Do you recall who raised that question or that point that he died so soon after coming into the Hospital?

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A. From my best recollection I believe it was Phyllis.

15

16

17

Q. All right. And then you say there was discussion of the concern that you had that perhaps you as nurses and your colleagues on the wards might be missing something, somebody doing something wrong. What did you mean by somebody doing something wrong, what was that about?

18

19

20

A. I don't really think that I meant they were doing something wrong, what I mean was that someone wasn't picking up the things that you should pick up before a child dies.

21

22

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24

25

Q. And that was a matter of concern that was discussed at Mrs. Trayner's home in the afternoon of the 23rd?

A. That's correct.

Q. Well, have you now told me all that you can remember of that conversation during those four hours in the afternoon of Monday, the 23rd?





- 1
- 2 A. That's correct.
- 3 Q. Okay. And then about six
- 4 o'clock you left to go to Mrs. Radojewski's home?
- 5 A. Yes.
- 6 Q. And you arrived there at what
- 7 time?
- 8 A. Approximately seven o'clock.
- 9 Q. Were others there when you
- 10 arrived or were you among the first of the arrivals?
- 11 A. I believe there were other
- 12 ones there but I don't know exactly who.
- 13 Q. All right. By the time the
- 14 whole group had assembled, can you tell me approximately
- 15 how many people were there?
- 16 A. I really don't know. I can
- 17 say more than ten.
- 18 Q. More than ten. Is there any-
- 19 one that you can particularly recall as having been
- 20 there? I take it five of you from the meeting at
- 21 Mrs. Trayner's apartment were all there?
- 22 A. Right.
- 23 Q. Mrs. Radojewski was certainly
- 24 there?
- 25 A. That's right.
- Q. Can you remember anybody else?





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A. Sue Nelles was there,  
Phyllis Trayner was there, Mary Costello was there,  
Karen Power was there, Jane Partridge, Janet Beed --

THE COMMISSIONER: I'm sorry, who was  
the last one, Janet...?

THE WITNESS: Janet Beed.

THE COMMISSIONER: Oh, yes.

MR. LAMEK: And that is spelt as  
in the venerable, Mr. Commissioner.

Q. Can you remember anybody else?

A. Angie Basciano.

MR. SCOTT: How do you spell that?

MR. LAMEK: That I think has a 'c'  
in the middle of it.

A. That's right. No one else  
that I can remember at this point.

Q. How long did you stay at  
Mrs. Radojewski's home that evening?

A. Approximately 10:30, eleven  
o'clock.

Q. And essentially we've got  
another four-hour meeting?

A. That's correct.

Q. That's your second four-hour  
session of the day?







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A. Yes.

3

Q. What do you recall of that

4

discussion, please?

5

A. The discussion of malpractice.

6

THE COMMISSIONER: The discussion of  
what?

7

THE WITNESS: Malpractice.

8

THE COMMISSIONER: Oh, malpractice.

9

MR. LAMEK: Q. Well, first get the

10

topics that you can recall and then we can go back

11

over it. There was some discussion of the subject

12

of malpractice. Can you remember any other topics that  
were discussed?

13

A. That no one had any worries,  
especially, I can remember Sue Nelles stating that she  
had no worries, she didn't make any mistakes, she gave  
the child the care that she knew was proper.

17

Q. Is that in the context of

18

Pacsai or generally?

19

A. In the topic of Pacsai.

20

Q. All right.

21

A. I made the question to Mary  
Costello about digoxin.

22

Q. Okay.

23

A. There was the topic about how

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some of the girls were asked not to come in to work on the Sunday night and as to when they will be called back, who would let them know, and Liz would let them know.

6

Q. Do you remember any other subjects or topics that were discussed?

7

A. Not that I can recall now.

8

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Q. All right. Can we go back over the list very briefly. You say the subject of malpractice was discussed. Can you tell me what you understood malpractice to be about, why was that topic raised, in your mind?

13

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A. The topic was raised because we had talked about mistakes; in other words, did a nurse make a mistake, and with malpractice it is an insurance that covers you for your mistakes, et cetera.

17

18

Q. Well, that topic arose in the context of a discussion as to whether there had been mistakes on the ward?

19

A. That's correct.

20

21

22

Q. Mistakes that were somehow involved with the deaths or perhaps may have caused the deaths. Was that the topic?

23

A. Yes.

24

25

Q. And in particular mistakes





1  
2 with respect to drug administration, was that dis-  
3 cussed?

4 A. I don't think we narrowed it  
5 down to anything in particular.

6 Q. Okay. Was the discussion  
7 that mistakes and the care given to the children may  
8 be a possible explanation for the deaths that had  
9 been occurring, or for some of the deaths that had  
10 been occurring?

11 A. Can you say that again, please.

12 Q. Yes. Was the discussion  
13 that perhaps there had been mistakes made which may  
14 be an explanation for some of the deaths that had  
15 occurred?

16 A. I think that did come up or  
17 malpractice wouldn't have come into the conversation.

18 Q. Yes. Was there a discussion  
19 generally as to the deaths that had occurred, as you  
20 say there had been in the afternoon at Mrs. Trayner's  
21 home?

22 A. Yes.

23 Q. The same sort of discussion  
24 in the evening at Mrs. Radojewski's home?

25 A. That's right.

Q. Other than the possibility that







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maybe mistakes had been made in some cases, was any other explanation advanced as to the cause of the deaths?

5

6

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A. Were we as nurses not picking up what we should be picking up to help the child, you know, not to go into an arrest.

8

9

Q. Again, the same sort of thing as you had discussed in the afternoon at Mrs. Trayner's home?

10

11

12

A. That's right.

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A. Some of the girls were feeling that they weren't picking up and doing their adequate care that they should have done, they were feeling like it was their fault, like, they should have done better or why didn't I just notice this.

17

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19

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Q. Is it fair to say that people were casting around trying to find any explanation that seemed plausible for these deaths? They were concerned and they were trying to find an explanation?

21

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A. That's correct, yes.

Q. All right. You also recall that particularly Miss Nelles, people said they really didn't have any concern. Did they mean by that, or did





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you understand them to mean they were confident they  
hadn't made mistakes with these children?

4

A. That's correct.

5

Q. And Miss Nelles said this  
particularly with respect to Baby Pacsai?

6

A. That's right.

7

8

Q. Did she say in the context of  
any particular manner of care that she provided to  
that child?

10

A. No.

11

Q. All right. Just generally  
that she was confident that her care had been proper?

12

A. That's correct.

13

14

Q. And then you asked Mary  
Costello about digoxin. Can you tell me what you  
asked Mary Costello about digoxin?

15

16

A. I asked Mary Costello, did  
some of these deaths or is this whole thing that is  
happening, does it have to do with digoxin.

17

18

19

Q. Now, what prompted you to ask  
that question?

20

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A. I think I asked her that  
question from being at work on Sunday when the  
digoxin was locked up and that the supervisors there  
watch you draw up digoxin or any other medications. It

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was like it was sort of a leak somewhere along the line that digoxin had to do with these deaths or just about the Pacsai death in particular.

4

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Q. Had you heard it said at any time prior to going to the meeting on Monday evening that digoxin may have had something to do with some of these deaths? Had you ever heard anybody say that?

6

7

8

A. No, not that I can recall.

9

10

Q. So, the question came to your mind from your having observed on Sunday that the digoxin was locked up and so on and having learned I take it on Monday afternoon that Pacsai had a high digoxin level? Was that also part of your thinking?

11

12

13

A. That's right.

14

15

Q. And you asked Mary Costello then whether digoxin had anything to do with any of these deaths. What did she say?

16

17

A. She said that she couldn't comment on that point at that time.

18

19

Q. And did that serve to resolve your question or to increase your concern?

20

21

A. Increase my concern.

22

23

Q. All right. Did you raise the question with anybody else at the meeting, the question of digoxin involvement in any of the deaths?

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A. No, I did not. I asked Mary and as soon as I asked her everyone listened; it went quiet, everyone listened and then that topic was kind of ended and wasn't commented on anymore.

Q. And then there was discussion you say that the nurses, some of the nurses had been told not to come in on Sunday, Sunday evening?

A. That's right.

Q. Was it your understanding that it was Phyllis Trayner's team who had been told not to come in on Sunday?

A. That's correct.

Q. Was there discussion of why they had been told not to come in?

A. Yes, there was, but it was never given an answer.

Q. All right. Nobody could say with any authority why that had happened?

A. No.

Q. Not even Mrs. Radojewski?

A. She did not comment on it to us at that point. I believe she talked with the team on their own later.

Q. All right. But it was understood at the meeting that they would hear from Mrs.





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Radojewski when they were to come back?

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A. That's correct.

4

5

Q. Can you recall any other matter discussed or any other detail of the conversation from the meeting at Mrs. Radojewski's house on the Monday evening?

6

7

8

A. Nothing more than I can recall now.

9

10

Q. All right. And you left you say about 10:30 to eleven o'clock?

11

A. That's right.

12

Q. Did you leave alone?

13

A. No, I did not.

14

Q. With whom did you leave?

15

A. I left with Karen Power, her husband and Janet Beed.

16

17

Q. All right. Did Karen Power's husband come to pick her up at Mrs. Radojewski's place?

18

19

A. That's right, yes.

20

Q. And did they drive you to your apartment?

21

A. That's right.

22

23

Q. Was there any discussion on the way there as to any of the matters that had come

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up during the course of the meeting?

3

A. Not that I can recall.

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Q. Now, between the Monday evening and the meeting at Mrs. Radojewski's house and the time when you learned of the arrest of Susan Nelles, and that I think was on Wednesday, the 25th, you heard that?

8

A. That's right.

9

10

11

Q. Between those two times, Monday evening and Wednesday, the 25th, did you have any contact with Susan Nelles?

12

A. Yes, I did.

13

14

Q. She had been at the meeting on Monday evening?

15

A. That's correct.

16

17

18

Q. And I understand from the evidence that you gave at the preliminary inquiry that you telephoned Susan Nelles on the evening of March 24th, the Tuesday?

19

A. That's right.

20

21

Q. Now, I think we can save some time with this, Miss Frise. You did give evidence about that at the preliminary inquiry.

22

A. Yes.

23

MR. LAMEK: Mr. Commissioner, it is

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found at Volume 17, in particular, in chief at pages

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20 to 23 and 52 to 56, and there are particular

4

references in cross-examination by Mr. Cooper at

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pages 77 and 83.

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EM/PS

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Miss Frise, maybe we can shorten this.

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Have you read over the evidence that you gave at the preliminary inquiry at my suggestion, and particularly the evidence you gave about your telephone conversation with Miss Nelles on the evening of Tuesday, March 24th?

8

A. Yes, I have.

9

10

11

12

Q. I think I can fairly, and believe me without being critical, say that your evidence at the preliminary inquiry didn't disclose much by way of detailed recollection of either why you placed that call or the content of the call. Is that fair?

13

A. That is right.

14

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19

Q. And rather than ask again all the questions that Mr. McGee and Mr. Cooper asked then, perhaps I can simply ask you this: do you have any recollection now as to why you placed that call, why you selected Susan Nelles to call and what you discussed with her other than as you disclosed it in the preliminary inquiry evidence?

20

A. No, I don't think I have anything more.

21

22

Q. All right. Are you a friend of Susan Nelles?

23

24

25

A. No, I was not. Just a friend at





1  
2 2 work sort of thing.

3 Q. You did not socialize with her  
4 outside the hospital?

5 A. No, I did not.

6 Q. Do you recall any prior occasion  
7 when you telephoned her?

8 A. No.

9 Q. All right. As I recall it the  
10 sum and substance of your evidence at the preliminary  
11 inquiry, you asked her how she was doing; she said  
12 she was doing fine. You said you were scared. And  
she said not to worry.

13 A. That is right.

14 Q. Why were you scared?

15 A. Scared of the whole thing. Scared  
16 of why they were taken from -- why they were asked not  
17 to come back to work. Maybe, as I recall it now, maybe  
18 it was to do with the Pacsai child, because I worked  
that day and she worked that night.

19 Q. Yes.

20 A. And the coroner's inquest that  
21 was going to be involved with that child. Would I have  
22 to go to it.

23 Q. Is it fair to say that incident  
24 in particular, the Pacsai case and the possible inquest,  
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and the whole of the events since Sunday, and the concerns that had been expressed on Monday, all came together in your mind to make you rather upset and nervous about the situation?

6

A. That's correct, yes.

7

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9

Q. So there is no point asking you over and over again the whys and wherefores of that conversation, what happened, is that fair?

10

11

A. That is fair.

Q. All right. Perhaps we should

move on.

12

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The third topic that I want to discuss with you is this: did you ever tell the police that some of the nursing staff at the hospital were believed to be holding information back from the police?

16

17

A. Yes, I did.

Q. Do you recall when you said that to the police?

18

19

20

A. I said it on June 17th. I was on holidays. I don't remember the year. It was after the preliminary hearing.

21

Q. After the preliminary hearing?

22

A. Yes.

23

Q. That is '82 or '83?

24

A. Yes.

25





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Q. Does it help if I tell you my  
information is it was June, 1982?

4

A. That is right.

5

Q. You were on vacation at your  
parents' home in Peterboro?

6

A. That is correct.

7

8

Q. How was it that you were talking  
to the police at that time?

9

10

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A. From what I can recollect is that  
Mary Costello had phoned me and said that the police  
would like to talk to me; they need to talk to you, and  
it was some great ordeal, and then I had hung up from  
her and I believe I called Murray or Murray called  
me.

15

Q. Is that Constable Murray from  
the Metropolitan Toronto Police?

16

A. That is right, yes.

17

18

19

20

And he had stated that he wanted to come  
to Peterboro to talk to me, and I really couldn't  
figure out why he was coming to Peterboro to talk  
to me.

21

Q. Did you ask him why on the  
telephone?

22

23

A. No, I don't think I did.

24

25

Q. And he didn't tell you?





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A. No.

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Q. All right. So did he come out  
to Peterboro to see you?

5

A. Yes, he did.

6

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Q. All right. And in the course of  
that conversation was there a discussion about the  
withholding of information from the police?

8

9

A. You mean the police officer  
making the discussion?

10

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Q. Well, did he state it or how did  
the matter arise that it was believed that certain  
nurses were withholding information? How did that  
come up? It is not the kind of statement that comes  
up out of the blue.

15

A. He asked me.

16

Q. He asked you?

17

A. Yes.

18

Q. Do you remember what he asked  
you?

19

20

A. Do you know anyone who is possibly  
holding back evidence.

21

22

Q. All right. Did you tell him that  
you did believe that a couple of people were doing  
that?

23

24

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A. That is correct.







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Q. Now, we have heard the names.

3

Do you remember whom you identified?

4

A. Yes.

5

Q. Who were they?

6

A. Bertha Bell and Karen Power.

7

Q. At the time you said that to

8

Constable Murray were you aware that those two

9

people or either of them had indeed held back information from the police?

10

A. No, I was not.

11

Q. Did you have any basis at all

12

for saying to Constable Murray that Power and Bell had withheld information?

13

14

A. The only real basis I have is

15

that they, meaning Karen Power and Bertha Bell,

16

Susan Nelles, all got together in Karen Power's house

17

at a meeting and as friends, I think, they were just telling what they knew and nothing more.

18

Q. Do you know when that meeting

19

had taken place?

20

A. It had taken place after Susan

21

Nelles was released on bail.

22

Q. All right. That was a meeting

23

at which you were not present?

24

A. That is correct.

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Q. How did you learn that that meeting had taken place?

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A. I had learned from Karen Power. She had come to work and stated -- said to me that they had a get together, I guess you would call it, and that the police had found out about this and weren't too pleased that these particular group had got together to talk with Susan Nelles.

9

10

11

12

Q. Now other than the fact that you had learned about that meeting, was there any other basis for suggesting to the police that Karen Power and Bertha Bell were withholding information?

13

A. No, there is no other basis.

14

15

Q. Was that an inference that you drew from the fact that such a meeting had taken place at all?

16

A. Yes, I believe it is.

17

18

Q. Other than that there is no basis for it?

19

A. No, there is no basis.

20

21

Q. Finally I am showing to you, Miss Frise, the 4B Ward meeting book.

22

23

24

25

I think, Mr. Commissioner, this is Exhibit 301. Do you have that, sir? It is not terribly legible in the copy, I am afraid.





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THE COMMISSIONER: No.

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MR. LAMEK: But I am going to look over  
Miss Frise's shoulder and read it.

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Q. On page 7 of that book there is  
a note of a meeting dated October 22nd, 1980, between  
Karen Power, Mary Costello, Meredith Frise and  
Shirley Ann Parcels.

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A. Yes, I do.

Q. Whose handwriting is it?

A. Mine.

Q. All right. Can you tell me first  
about ward meetings? Were they held on a regular  
basis or were they held as the topic arose that should  
be discussed?

A. We tried to hold them on a  
regular basis, but as some topics arise then we  
would make sure we would have a meeting and get  
together.

Q. All right. Do you recall whether  
the meeting of October 22nd was what you call a  
regular meeting or was it called to discuss a  
particular matter?

A. I don't really recall whether it







1  
2 was a scheduled ward meeting.

3 Q. All right. But you were present  
4 and you were the recording secretary, if you will.

5 A. Yes.

6 Q. In the first paragraph you  
7 record:

8 "Talking about arrest on Sunday,  
9 October 19th at 1600. That the team  
10 leader on 4A was not being supported by  
11 doctors. Two nurses on 4A feeling that  
12 the arrest was their fault."

13 Now I tell you from the records that are made  
14 available to us, Miss Frise, I believe the reference  
15 to a death on Sunday, October 19th at 1600 was to  
16 Antonio Adamo. Is that your recollection?

17 A. That is correct.

18 Q. And he had arrested and had  
19 died on that Sunday and this meeting was held three  
20 days later.

21 Had there been concern on the ward  
22 about the death of that child?

23 A. Yes, there was.

24 Q. Can you tell me the nature of  
25 the concern? Why were people concerned about it?

A. They were concerned in that the





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2  
10 2 child died so quickly. Phyllis Trayner had went  
3 to pass an N.G. tube down the child because the  
4 child wasn't feeding very well for Mary Cooney  
5 and when she did pass the N.G. tube down the child  
6 arrested at that point so there was no onset of why  
7 this child arrested. It just happened very quickly.

8 Q. And that was a matter that was  
9 causing some concern to the nursing staff, was it?

10 A. That is correct.

11 Q. It says:

12 "The team leader on 4A was not being  
13 supported by doctors."

14 Can you tell me what was the discussion about that  
15 matter? What does that mean?

16 A. I think it was Phyllis that was  
17 feeling that she wasn't being supported by doctors  
18 and that it was -- she passed the N.G. tube down  
19 and she was feeling it was her fault because she  
20 passed the N.G. tube down and she didn't consult with  
21 someone else before she passed the N.G. tube down.

22 Q. Well, was it your impression  
23 that she was really looking for some reassurance  
24 that it was not her doing that this child arrested,  
25 that she was not in any way responsible for it?

A. She was looking for that from





11 2 the doctors, you mean?

3 Q. Yes. Is that what you under-  
4 stood or something different?

5 A. Yes. Yes.

6 Q. Was she not getting the kind of  
7 reassurance that she wanted. Was that the complaint?

8 A. That is correct.

9 Q. The paragraph goes on:  
10 "Two nurses on 4A feeling the arrest  
11 was their fault."

12 Can you tell me who they were and to the best of your  
13 recollection why they felt they were responsible for  
14 the arrest?

15 A. From my recollection Mary Cooney  
16 and Phyllis Trayner in that --

17 THE COMMISSIONER: Sorry, Mary?

18 THE WITNESS: Mary Cooney.

19 MR. LAMEK: Q. Cooney. Is that because  
20 they had been the two involved with the child, Cooney  
21 cared for the child and Phyllis Trayner the one  
22 who had passed the N.G. tube?

23 A. That is correct.

24 Q. All right. Did they state any  
25 other reason to the best of your recollection for  
this feeling of responsibility?







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A. That they didn't pick something up before the child had this N.G. tube passed.

4

Q. And then the note goes on about catheterizations, nurses and doctors and so on and down towards the bottom of the page, second last paragraph on the page you record the view presumably expressed at the meeting, "We need to have support meetings as soon as possible starting soon."

9

Can you tell me what that was about?

10

A. Support meetings in that with having so many arrests and some of the girls feeling uncomfortable that they didn't pick things up and that it was their fault that they didn't pick things up, we needed to talk amongst each other to reassure each other that we did give the best care that we possibly could, and if there was something there that we knew each of us were competent enough that we would pick up these things.

18

Q. Would the support meetings which were said to be starting soon support meetings just of nurses or were there to be other people such as physicians involved?

21

A. No. From my recollection it was just nurses.

23

Q. All right. Now this is October 22nd

24

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of 1980. Was there a feeling that meetings of the kind you have described and for the purpose you described were important. Is that something the nurses felt they needed to have, mutual support and reassurance?

6

A. Yes.

7

8

Q. Had you attended either of the morbidity and mortality rounds that were held in the month of September?

9

10

A. Yes, I believe I attended one of them.

11

12

Q. When staff cardiologists were present and nursing staff and certain of the deaths were discussed?

13

14

A. That is right.

15

16

Q. Do you recall which one you attended, the one earlier in the month or the one later?

17

18

A. I can't recall which one.

19

Q. All right. And we have heard evidence as to what --

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THE COMMISSIONER: I'm sorry, I missed that.

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MR. LAMEK: Q. Can't recall which one.

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A. Can't recall which one.

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Q. We have heard evidence some many months ago now as to what was said at those meetings.

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Do I fairly characterize it as the physicians looking at certain deaths and saying, look, these children were terribly ill. There is nothing you did wrong. There is nothing you could have done to change the course of events. Was that the thrust that you remember?

10

A. Yes.

11

12

Q. Were you reassured by those meetings?

13

A. No, I was not.

14

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Q. Can you tell me why not? What troubled you, notwithstanding those meetings or the meeting that you attended?

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A. In that some of the children that did die, at the mortality rounds they would explain the heart defect and they would say why the child had died because of certain heart defect, but I knew that some of the children weren't that sick and the particular defect they had, shouldn't have died as soon as they did.

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Q. Okay. Well, whether you were right or whether you were wrong I take it that you were







1  
15 2 still not persuaded by the reassurance that you had  
3 been given at the mortality conference that you  
4 attended?

5 A. That is correct.

6 Q. At the meeting of October 22nd,  
7 did it appear to you that other nurses similarly were  
8 not satisfied by the reassurances they received?

9 A. That is correct.

10 Q. It says that those meetings,  
11 support meetings would be starting soon. Did they in  
12 fact start soon?

13 A. I believe they did start soon.  
14 I don't know in how many days or a week.

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Q. Were in fact meetings held with friends in an attempt to provide each other with support and reassurance over the deaths that were occurring?

A. Yes, they were.

Q. Were they held in the Hospital or out of the Hospital?

A. They were held both.

Q. And did you attend those meetings?

A. Some of them I attended, yes.

Q. Did you find them useful and helpful in trying to understand what was happening?

A. Sometimes.

Q. Did you continue to have the feeling that you have already told me about, that some of the children who were dying did not, at least in your estimation, appear to be so sick as to lead you to expect them to die?

A. Can you --

Q. I know, that got awfully involved, let me start all over again. Notwithstanding the meetings that were held and which you attended, did you continue to feel surprised at the deaths of some of these children?





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A. Yes, I did.

Q. Can you remember any particular children at whose death you were surprised?

A. Right off the top of my head is Jordan Hines.

Q. That was in March of 1981?

A. That's correct.

Q. Yes.

A. There is another baby that I recall but I cannot remember what the name is of the child.

Q. I take it from what you have told me already that some of those deaths which surprised you must have occurred before October the 22nd, because some of them included the babies discussed at the mortality conference?

A. That's right.

Q. The note goes on, at the bottom of page 7:

"Talking about dig. levels and reliefs giving double medication. The med cards..." what - "put on cardex."

A. Yes.

Q. And had there been problems with duplication of digoxin doses?







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I.3

A. Yes, there had been.

3

Q. Was that the context in which  
the talk of dig. levels occurred at this meeting?

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The note reads:

6

"Talking about dig. levels and reliefs  
giving double medication."

7

A. Yes.

8

9

Q. And had that - I think we heard

10

some evidence that this was a situation where the  
time for the morning administration of digoxin was

11

moved to an earlier time so that a sample could be

12

taken for a digoxin level?

13

A. That is correct.

14

Q. And it was administered at

15

4 or 5 o'clock?

16

A. Yes.

17

Q. And then the person coming on to

18

days would do it all over again not realizing it  
had been advanced?

19

A. That's right.

20

Q. That had occurred on a few

21

occasions, had it not?

22

A. That's right.

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Q. That was the context in which

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there was talk about digoxin levels?

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A. That is correct.

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Q. Now, if I turn over to page 8,  
just a couple of matters there that I would like to  
ask you about please. There was apparently another  
meeting the next day, on October 23rd, 1980, but this  
was a rather better attended meeting. We have "Karen"  
that I take it is Power; Shirley Anne is?

9

A. Shirley Anne Parcels.

10

Q. And Meredith is yourself?

11

A. That's right.

12

Q. And Mary is?

13

A. Mary Costello.

14

Q. Diane?

15

A. Diane Crosswell.

16

Q. Mary Cooney; Gloria, is that  
Ganassin?

17

A. That's right; Jane Partridge.

18

Q. And Phyllis?

19

A. Phyllis Trayner; Carol  
Putherbough and Janet Beed.

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Q. Again a number of matters  
that were discussed, but there are two to which I  
draw your attention particularly. The very first  
note:

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"Karen Power started by saying that we

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I.5

"need support and that we don't need  
our team to break up."

As at October 23rd, 1980, had there  
been discussion of breaking up the nursing teams?

A. Yes, there had.

Q. And in particular had there  
been discussion about breaking up the Phyllis Trayner  
nursing team?

A. Yes, there was.

Q. Do you know why that discussion  
had arisen?

A. Excuse me; it had arisen  
because that particular team having so many deaths  
when they were always on working.

Q. What is your earliest recollec-  
tion of such a discussion, was it shortly before the  
meeting of October 23rd, was it weeks before, do you  
have any recollection?

A. No, I don't have any real  
recollection, no.

Q. And Karen Power said, I gather:  
"That is not what is needed. What we  
need is some support."

A. That's correct.

Q. Had there been discussion among







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the members of your team as to whether you thought  
it a good idea to break up the nursing teams and  
move people around? Is this something you discussed  
with your fellow team members, or with your team  
leader?

7

A. It was talk amongst everybody  
within the ward.

8

9

10

11

Q. Was the proposal, or the  
suggestion that was being discussed that all the  
team should be broken up, or in particular that  
Mrs. Trayner's team should be broken up?

12

13

14

A. In particular Mrs. Trayner's  
team broke up, but once you break up one team you  
would have to break up everyone's team.

15

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Q. That's right. If you broke  
up four or five people you have to shuffle everybody  
around to fill in the places?

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A. That is correct.

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Q. Had there been discussion to  
which you would be a party, whether people wanted  
to work on the Trayner team?

A. Can you say that again.

Q. Had you been involved in any  
conversation with other nurses on the floor, as to  
whether you or they wanted to work on the Trayner





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I.7 team, if there was a shuffling around.

A. There was talk of it, yes.

Q. And did you express any views in those discussions?

A. I expressed views and so did other people that they did not want to work with Phyllis.

Q. Was that because her team was somehow regarded as clearly very unfortunate with all these deaths occurring?

A. That's correct.

Q. Was there any other reason for it?

A. Some of the nurses felt that Phyllis was not competent, and I mean incompetent as that she didn't, when she looked after children she didn't do the care that the child needed, things were being missed, she would avoid things or say she did something but didn't do it.

Q. Whether that be a valid observation or not, is that an impression that was shared by a number of nurses on the floor?

A. Yes.

Q. Is there a positive side to this business of not wanting to break up a team,





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or work on Mrs. Trayner's team, in the sense that you already had a team and you worked and you preferred to continue to work together?

A. There is a positive side about it. It is that working with the team leader you had - you got to know the team members, they knew what you were good at, what you were capable of, and they could rely on you. If you started with a new team, the team members would have to get to know you and see what you were good at, whether you could handle an assignment as well.

Q. Do you recall any discussions following October the 23rd, not immediately following but after October 23rd, of the suggestion that the team be broken up and the nurses on the floor redistributed among the teams?

A. That talk went on for a while, I don't know when it started and I don't know when it ended.

Q. Was it your understanding that eventually a decision was reached not to change the teams at all?

A. From my best recollection, yes.

Q. Do you have any recollection as to when that subject was finally put to rest?







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A. No, I can't remember, no.

MR. LAMEK: Miss Frise, thank you  
very much.

THE COMMISSIONER: Yes, Miss Solomon?

MS. SOLOMON: May I have one moment  
please.

THE COMMISSIONER: Yes, certainly.

MS. SOLOMON: I have no questions.

THE COMMISSIONER: Thank you.  
Mr. Brown?

CROSS-EXAMINATION BY MR. BROWN:

Q. Miss Frise, my name is Brown and  
I act for Miss Nelles. During the course of your  
examination by Mr. Lamek he asked you as to the  
basis for your belief that Karen Power and Bertha  
Bell were withholding information from the police.  
If I recall you said the only basis you had was  
Karen Power told you she had a meeting, or got  
together with Susan Nelles some time after she was  
released on bail, is that correct?

A. That is correct.

Q. Now, Karen Power said that  
Karen and Bertha Bell were at that meeting with  
Susan Nelles?

A. That's correct.





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Q. And it was some time after  
Susan Nelles was released but before the preliminary  
inquiry?

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A. Yes.

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Q. And do you recall whether it  
was soon after Miss Nelles had been released from  
jail?

8

9

A. It was soon after, yes.

10

Q. And Karen Power told you that  
she met with Susan Nelles, hadn't she?

11

A. Yes.

12

Q. She volunteered the information?

13

A. Yes.

14

Q. And what did Karen Power tell  
you about the get together she had with Miss Nelles?

15

16

A. She stated that they had a  
get together, she didn't state what they had really  
talked about; and that the police had found out that  
they had gotten together with Sue Nelles and that  
they were not too pleased about this. Sue, I mean  
Karen Power was told that they were not to have these  
get togethers again with Susan Nelles.

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Q. Do you know who told Karen  
Power that?

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A. One of the police officers, I

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don't know who.

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Q. Had Karen Power and Bertha

4

Bell been friendly with Susan Nelles while Susan was  
working on the ward?

5

A. Yes, they had.

6

Q. Would you say that the two

7

of them, or the three of them sort of socialized a  
fair bit on the ward?

8

9

A. Yes, they did. Yes.

10

Q. Do you know whether the

11

three of them got together outside of the Hospital?

12

A. I believe Bertha and Sue did

13

but I don't really know whether Karen did that much.

14

THE COMMISSIONER: I don't know whether  
you want to ask this question. Was there some term  
available that prohibited this?

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MR. BROWN: There was a term of the

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bail, sir, that prohibited Miss Nelles from speaking  
to four nurses I believe, Phyllis Trayner, Sui Scott,  
Janet Brownless and Marianna Christie. I stand to be  
corrected but I don't think there was any other nurse  
or member of the Hospital contained in that Bail Order.

20

21

THE COMMISSIONER: Yes. All right.

22

MR. BROWN: Q. So it was your

23

impression that Miss Nelles had socialized with Bertha

24

25







I.12 2 Bell and Karen Power before?

3 A. Yes.

4 Q. And Karen Power didn't tell  
5 you any more details of that get-together other than  
6 what you have just told us now?

7 A. Other than just Sue stating  
8 how terrible jail was, just a little conversation  
9 that I can remember.

10 Q. So it would appear that  
11 Miss Nelles talked about her confinement in jail?

12 A. That's correct.

13 Q. And of course she was in jail  
14 for a couple of days?

15 A. That's right.

16 Q. And you probably agree with  
17 me that is a fairly traumatic experience?

18 A. Yes, it is.

19 Q. I take it that if a person  
20 is charged with four counts of murder and incarcerated  
21 for a couple of days it certainly would not be unusual  
22 for them to talk about being in jail?

23 A. No, I don't think it would be  
24 unusual.

25 Q. Now, you have mentioned that  
you felt the three of them got together at Karen Power's





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house and they met as friends?

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A. Yes.

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Q. And this was after Susan

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had been released from jail?

6

A. Yes.

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Q. Would you agree with me that

8

notwithstanding a person had been charged with four

9

counts of murder that person could still meet with his  
or her friends?

10

A. That's correct.

11

Q. And so there would be

12

nothing odd then in Miss Nelles meeting with her

13

friends unless of course a judge had told her not to  
meet with those friends?

14

A. That's right.

15

Q. And would you agree with me

16

that after a person has been charged with the deaths

17

of four babies, confined in jail and then released

18

on bail that a person in that position would need as

19

much support as they could possibly get from their

20

friends and family?

21

A. Yes.

22

Q. And it certainly wouldn't be

23

unusual then for a person to turn to those friends

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with whom she socialized to seek that support?

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A. Yes and no. I would feel that she would go for support but I would figure she would probably stick with <sup>family</sup> / any more than friends she necessarily worked with at the Hospital where, you know, this big thing occurred.

Q. Now when you were at the Hospital you work a 12-hour day, don't you?

A. Yes.

Q. And I take it you get to know the people on your shift pretty well?

A. Yes.

Q. And I would take it that you might have friends outside of the Hospital but you might well develop pretty good friendships inside the Hospital?

A. Yes.

Q. So if you did develop those friendships, those friends, the nurses in the Hospital may be people you turn to in a time of need and support?

A. Yes.

Q. You would agree with me, however, it would probably be very improper for a person charged with four counts of murder to go to a nursing friend and discuss in great detail what went on with those four children?







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A. Can you rephrase that again,  
I am sorry.

Q. Would you agree with me that  
it would be improper for Miss Nelles to meet with her  
friends, her nursing friends, after she had been put  
out on bail and to talk in great detail about what went  
on with those four children?

THE COMMISSIONER: It might be unwise  
but I don't think it would be improper. Why would it  
be improper? The witness may agree with you but I  
don't.

MR. BROWN: Okay.

Q. Well, do you think it would  
be wise for Miss Nelles to go out and to talk about the  
details of the four charges with her friends?

A. No, it wouldn't be wise.

Q. No, it wouldn't be wise, would  
it?

A. No.

Q. Because there would be a  
preliminary hearing pending, would there not?

A. Yes.

Q. And those people might well  
be asked to go and testify at that hearing, might they  
not?





I.16

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A. That is correct.

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Q. And so you would want the

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evidence to be as fresh and untarnished as possible,  
wouldn't you?

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A. That is right.

6

Q. Were you aware that as soon as

7

Miss Nelles was released on bail that her two lawyers

8

expressly told her not to talk about the details of

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any of those four children with any friends?

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MR. PERCIVAL: I gather Mr. Cooper  
is going to come and give that evidence?

THE COMMISSIONER: Well, he puts  
the question, if she is aware of that fact, I suppose  
that solves the problem she isn't aware of it, so it  
doesn't advance us that much further. I certainly  
think Mr. Cooper has enough problems in life.

MR. BROWN: Well, I will simply  
restate the question.

Q. Were you aware that Miss  
Nelles' lawyers had told her when she was released  
from bail that she was not to talk about the details  
of those cases with any person at the Hospital?

A. I don't really know.

Q. Well, you don't know, do you?

A. No.

Q. Well, I simply put it to you  
that she was told that.

A. Okay.

Q. Now, after the bail and before  
you testified at the preliminary inquiry, did you  
ever meet with Susan Nelles?

A. No, I did not.

Q. Did you ever discuss the de-  
tails of the four charges with her?







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A. No, I did not.

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Q. And you said that she met

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with Karen Power. Did Karen Power say to you Susan

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had discussed with us in great detail what went on

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with those four children that she had been charged

7

with?

8

A. No, not that I can recall.

9

Q. Well, can I put it to you

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then, and I suggest that you have no information that

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Susan Nelles violated the express instructions of her

lawyers, do you?

12

A. Say that again.

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MS. SOLOMON: She has already stated  
that, Mr. Commissioner.

14

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THE COMMISSIONER: Yes. It is not  
really my concern whether she did or not.

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MR. BROWN: Well, sir, I think the

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suggestion has been raised by the evidence that there  
was something unwise or improper in Miss Nelles

19

meeting with friends after a most traumatic experience

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and I certainly don't want to leave this tribunal with

21

the impression that Miss Nelles violated the very

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express instructions of her lawyers not to talk about  
the details.

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MR. TOBIAS: I didn't get that

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impression, Mr. Commissioner. I thought the evidence was led and the fact came out.

THE COMMISSIONER: No. Well, that's fine. Can I assure you if I reach that impression it will not affect me in any way. If she is the kind of client that doesn't pay any attention to what her lawyer says that is exactly the kind of client I used to have all through my practice.

MR. BROWN: Well, sir, I take it if you would be satisfied with that then I am sure you would have been satisfied with her then as a client.

THE COMMISSIONER: Just one thing though before we go on. Why did that lead you to the belief that Karen Power and Bertha Bell were withholding something because the police knew all about it? You see, this all started by your having said something that Karen Power and Bertha Bell were withholding something from the police but apparently in the same breath you tell us that the police knew that they had the meeting. There must be something else. Can you help us at all as to what it was you thought?

THE WITNESS: No, not that I can recall at this point, no.

THE COMMISSIONER: No. Yes, all right, thanks. What do you think, Miss Forster?





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MS. FORSTER: Mr. Commissioner, I have to go to a funeral this afternoon. I would be grateful if I could go now and I will be very short.

THE COMMISSIONER: Yes.

CROSS-EXAMINATION BY MS. FORSTER:

Q. First of all, Miss Frise (pronounced freeze) --

A. It's Frise (pronounced fries).

Q. First of all, I didn't catch your evidence to Mr. Lamek about your educational background. Can you tell me first of all, did you complete high school?

A. Yes.

Q. Grade 13 or Grade 12?

A. Grade 12.

Q. And where did you attend school after you completed Grade 12?

A. I had taken my nursing training with my Grade 11 and 12.

Q. So, it was done with your high school training?

A. That's right.

Q. And on completion of Grade 12 you started working as an RNA?

A. You have to write the exam







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just like as if you took it at college.

3

Q. And when did you write your

4

exams?

5

A. When I was finished my

6

training, 1979.

7

Q. 1979. And then immediately

8

thereafter you started to work at The Hospital for  
Sick Children?

9

A. That's right.

10

Q. Had you up until March of 1981

11

taken any courses in cardiology?

12

A. No, I had not.

13

Q. Now, you mentioned to Mr.

14

Lamek that there was a feeling amongst several of the  
nurses that they didn't want to work on the Phyllis  
Trayner team; is that correct?

15

16

A. That's correct.

17

Q. And you told Mr. Lamek that

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one of the reasons for that feeling was that everybody  
thought the team had been unfortunate in being present  
for so many deaths; is that correct?

19

20

A. That's correct.

21

Q. Is it fair to say that some

22

people thought the team was jinxed because there were  
so many deaths occurring while that team was on duty?

23

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A. That's correct.

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Q. Okay. Now, you also mentioned

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that some people didn't want to work on Phyllis

5

Trayner's team because Phyllis didn't do the child

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care that was needed and that she would say she did

7

things but didn't, that she hadn't really done; is

8

that correct?

A. That's what I said, yes.

9

Q. And was that a feeling you

10

had or just simply a feeling somebody else told you they

11

had?

12

A. I guess I can say a feeling

13

that someone else -- we had talked about it. I had

14

never seen Phyllis look after children; I had always

15

seen Phyllis as a team leader.

16

Q. Had you ever worked on

Phyllis' team?

17

A. You mean over on 4A on her

18

team?

19

Q. Yes.

20

A. No, not that I can recall, no.

21

Q. All right. Had you ever

observed her caring for children?

22

A. On one occasion, yes.

23

Q. When was that?

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A. She looked after a child that had died in her arms, that's the only occasion that I can recall.

Q. And were you present while she was caring for this child?

A. I would have been on 4B side, yes.

Q. And did you see her actually caring for the child?

A. When you say caring, was I in the room observing her doing her thing?

Q. Yes.

A. No, I would not have been in the room observing her.

Q. So then it is fair to say you didn't see anything improper in her care of the child, did you?

A. That's correct.

Q. And were there any occasions when Mrs. Trayner told you that she had done something that in fact she hadn't done?

A. No, there was none.

MS. FORSTER: Okay. Thank you. Those are all my questions.

THE COMMISSIONER: Yes. All right.







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Thank you. Well now, we are getting closer to the hour. What do you want, Mr. Hunt?

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MR. HUNT: Well, I would prefer to start when we come back.

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THE COMMISSIONER: All right. Well, we will rise now then until 2:15.

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MR. TOBIAS: Mr. Commissioner?

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THE COMMISSIONER: Yes.

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MR. TOBIAS: I am suggesting that perhaps if you can be available and myself and Mr. Lamek, yourself, Mrs. Solomon and perhaps Mr. Young to have a short meeting over the luncheon recess to discuss matters with which I am sure you are aware.

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THE COMMISSIONER: Yes. Well, do we have to have it over the luncheon recess?

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MR. TOBIAS: Well, I'm afraid that if we don't, the whole point of the meeting may be forgone, I may get reached for cross-examination this afternoon.

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MR. YOUNG: Perhaps we can meet at 2:15, Mr. Commissioner.

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THE COMMISSIONER: I think we can meet at 2:15 and then we will see what happens then if it's all right with you, Mr. Tobias.

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MR. TOBIAS: Fine, sir.

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THE COMMISSIONER: We may be late  
then -- we will obviously be late but that's the way  
it is.

--- luncheon recess.





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---Upon commencing at 2:40.

THE COMMISSIONER: Yes, all right now,  
Mr. Hunt.

CROSS-EXAMINATION BY MR. HUNT:

Q. Miss Frise (pronounced Freeze).

A. Excuse me, it's Frise (pronounced  
Fries).

Q. I'm sorry, Miss Frise. My name  
is Hunt and we represent the Attorney-General and the  
Crown attorneys and the coroners at this proceeding.

The days of Monday, March 23rd and  
Tuesday, March 24th of 1981, those are the days, the  
Monday and the Tuesday after Justin Cook died, if  
that helps you fix it, a number of unusual things  
happened in your life I take it.

A. Yes.

Q. And the first of those, as I  
understand your evidence this morning, was that on  
Monday the 23rd you received a phone call from Phyllis  
Trayner.

A. That's correct.

Q. Had she ever phoned you before?

A. No, not at that point, no.

Q. And the phone call was to invite  
you to her house in the afternoon?







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A. That's correct, yes.

3

Q. And had she ever invited you to

4

her house before?

5

A. No, she had not.

6

Q. All right. Had you ever socialized

7

with her at all before?

8

A. Not other than work, no.

9

Q. So, I take it then that this

10

invitation extended to you by her personally on the  
afternoon of Monday, March 23rd really came right out  
of the blue.

11

12

A. What do you mean by out of the  
blue?

13

14

Q. You had no reason to suspect that  
she was going to be calling you to invite you to a  
get together at her house for any reason.

15

16

A. I guess I don't understand what  
you are trying to say, sorry.

17

18

Q. Well, if you had never socialized  
with her before.

19

20

A. Right.

21

Q. Never had a phone call from her  
before, never been to her house before, then I take  
it you had no reason as of that day to expect that  
you were going to receive a phone call from her

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inviting you to go to her house.

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A. That's right.

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Q. And that's what I mean by came

5

out of the blue.

6

A. Right, okay.

7

Q. There was no indication to you

8

before hand that this was about to happen.

9

A. Yes, that's correct.

10

Q. Now, at the meeting at her house

11

in the afternoon you have indicated that you talked  
generally about all the deaths.

12

A. Yes.

13

Q. And about the possibility of a

14

coroner's inquest into Baby Pacsai's death.

15

A. That's correct, yes.

16

Q. And the question of whether

17

nurses were missing something that may have contributed  
to the deaths of the children.

18

A. Right.

19

Q. All right. Now, at this meeting,

20

was there anyone who was more vocal than anyone else  
or who led the discussion.

21

A. At this point what I can recall

22

is Phyllis Trayner being the most vocal.

23

Q. All right. Are you able to recall

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3 enough of the conversation to indicate whether or not  
4 it was a case of Phyllis Trayner seeking information  
5 or views from the others who were present?

6 A. Yes, I think so, yes.

7 Q. And did Phyllis Trayner give  
8 any indication, any information or views of her  
9 own to the others of you who were present?

10 A. No, not that I can recall.

11 No.

12 Q. Well, I think you said this morn-  
13 ing that you thought it was Phyllis Trayner that  
14 indicated that the reason why there was going to be  
15 a coroner's inquest into Baby Pacsai was because he  
16 had died within 24 hours of being admitted to the  
17 hospital.

18 A. Yes, that's right, yes.

19 Q. So, in addition to that piece  
20 of information did she put forward any other views or  
21 explanations for questions raised?

22 A. No, other than that she was just  
23 worried about why there were so many children that  
24 had died, nothing else.

25 Q. Did anyone at the meeting seem  
to be preoccupied with this question of the deaths?

A. When we were there that was, like,







1  
5 2 the main topic which would come up back and forth,  
3 was why there were so many deaths and what was  
4 happening.

5 Q. And with respect to that  
6 particular topic again, is it your recollection that  
7 Phyllis Trayner was the one who was most vocal or  
8 led the discussion?

8 A. Yes, from my recollection, yes.

9 Q. Now, the next unusual thing that  
10 happened to you on those two days was that you attended  
11 a meeting at Liz Radojewski's house that evening.

12 A. That's right.

13 Q. And I take it that that meeting  
14 is something the likes of which you had never been  
15 involved in before.

16 A. You mean meeting, going to some-  
17 one's house?

18 Q. I am more directing my question  
19 to the substance of the meeting, the matters that  
20 were discussed there.

21 A. No, okay.

22 Q. All right. You agree that  
23 that was something that was quite out of the ordinary.

24 A. Yes.

25 Q. At the meeting you indicated that





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you raised the question with Miss Costello about  
the digoxin.

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A. That's correct.

5

Q. And her response to your question,

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I think you said was that she couldn't comment on it.

7

A. That's right.

8

Q. Now, it strikes me that the

9

significant thing about that response is not so much  
what was said but what wasn't said by her when she

10

told you that she couldn't comment on it. Did that

11

response of hers have an effect on you?

12

A. As I stated before, yes, it did

13

have an effect because it didn't answer my question.

14

That led me to think, what about digoxin, why can't  
she tell me.

15

Q. Did it leave you to believe

16

that there was something going on that she knew about

17

that you didn't?

18

A. That's correct.

19

Q. And did her response have an

20

effect on anyone else that was there that you could  
see?

21

A. When I asked the question, as

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I stated before, everyone in the room sort of went

23

quiet and then when she gave her response everyone

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sort of looked and then the conversation went on.

Q. All right. Did the tenor of the meeting change after that answer was given by Miss Costello?

A. Everyone was sort of shocked and I think there was another topic brought up at that point.

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Q. Did you feel more uncomfortable  
yourself after that response was given?

A. Yes.

Q. Did you observe that others  
appeared to feel the same way?

A. That is correct, yes.

Q. Did that occur early on in  
the discussions that took place that night or half way  
through or near the end, are you able to recall?

A. I am not able to recall as to  
when it occurred.

Q. But no question that as far  
as you were concerned that response given in the  
context of the meeting suggested to you that there  
was something going on that she knew about that she  
wasn't at liberty to talk about?

A. Can you say that again, please?

Q. I say there is no question  
I take it from what you said that that response by  
Mrs. Costello, given in the context of this meeting,  
led you to believe that there was something going on  
that she knew about but that she was not able to talk  
about?

A. The answer that she gave me  
led me to believe that, yes.





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Q. All right. Then the next unusual thing that happened to you in those two days, as I understand your evidence, is that on the Tuesday you called Susan Nelles?

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A. That is correct.

7

Q. And that is unusual because you had never called her before?

8

A. That is right.

9

Q. Had she ever called you?

10

A. No, she had not.

11

Q. Did you call anyone else that night? And by anyone else I mean anyone connected with Wards 4A or 4B?

13

14

A. From what I can recall I believe I phoned Phyllis first of all and then phoned Sue, but my conversation with Phyllis was very short.

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16

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Q. All right. What was the purpose in calling Phyllis? When you say Phyllis I assume you are referring to Phyllis Trayner?

18

19

A. That is correct.

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Q. What was your purpose in calling Phyllis Trayner?

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A. Probably again to see how she was doing, and I think to get the telephone number of Sue's.

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Q. All right. And you say you think it was very short. Are you able to recall how long it was?

A. Maybe five minutes. Give or take. I may not be right there.

Q. You say you called her to see how she was doing and to get Susan Nelles' phone number?

A. That is right.

Q. Why did you call her to see how she was doing?

A. Well, again she was asked not to come in on the Sunday night. To see how she was doing; how she was coping.

Q. And was that the first time you had phoned Phyllis Trayner?

A. From what I can recall, yes.

Q. Now, after you spoke to her, and I take it -- did you get the phone number for Susan Nelles from Phyllis Trayner?

A. I believe I did, yes.

Q. And after you got that you then phoned Susan Nelles?

A. That is right.

Q. And this was the first time







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that you had called her?

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A. That is right.

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Q. And what was your reason for  
calling her?

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A. To see how she was doing.

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Q. What do you mean to see how  
she was doing?

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A. Again, how she was coping.  
She also was asked not to come in on Sunday night, and  
she was told that, you know, she would be told when  
she could come back.

12

Q. Yes.

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A. I stated to her that I was  
scared and she had stated back to me that there was  
nothing to be scared of. Everything was going to be  
okay.

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Q. You said you phoned both of  
them to see how they were doing. Was there any  
particular reason that it was those two people that  
you phoned to see how they were doing as opposed to  
any of the other nurses that were present at either  
of the meetings you attended on Monday?

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A. The only real thing I can  
recollect is the reason I phoned Susan Nelles is because  
again she may possibly be involved with the Pacsai





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Coroner's inquest and that because I admitted the child or transferred the child in through the day that I may be involved in it also.

Q. Did you have some particular concern about how these two people were coping with the situation that caused you to phone them and only them?

A. I don't really recall.

Q. Pardon?

A. I don't really recall.

Q. There was in addition to the Pacsai matter of the inquest that caused you to call Susan Nelles, you indicated to her that you were scared.

A. I did.

Q. And what were you scared about?

A. Scared of this whole thing. Why were they asked, you know, why were they asked not to come to work. Scared about maybe the answer that Mary Costello had given me at that meeting about digoxin, that she couldn't talk about it.

Q. Why did you choose Susan Nelles to phone for the first time on that evening because you were scared?

A. Because as I said before,





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probably to do with Pacsai. She was going to be involved with the Pacsai, and maybe she could reassure me, you know, that everything was going to be okay.

4

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Q. I take it your phone call to Phyllis Trayner that night didn't have anything to do with the Pacsai inquest, did it?

6

7

A. No, I don't think it did. No.

8

9

Q. Did you tell Phyllis Trayner as well that you were scared?

10

A. No, not that I can recall.

11

12

Q. You weren't on Phyllis Trayner's team, were you?

13

A. No, I was not.

14

15

Q. And there were others who were on your team that attended the meeting at Liz Radojewski's house, were there not?

16

A. Yes, there was.

17

18

Q. Did it cross your mind to call any of the people that were on your own team to discuss your fears with them?

19

A. I guess it didn't at the time.

20

21

Q. Did you socialize with Susan Nelles prior to this conversation with her on the telephone on the night of the 24th of March?

22

23

A. No, I did not.

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Q. Does it strike you as strange that having neither socialized with Phyllis Trayner or Susan Nelles prior to that point in time, and not having phoned them or received phone calls from them prior to that point in time, you went out of your way to contact both of them on the night of the 24th to discuss the matters that you have indicated you discussed with them?

A. Can you state that again?

Q. Does it strike you as strange that after having really no social relationship with these two nurses at all prior to that point in time, that on the night of the 24th you yourself went out of your way to speak to both of them about your own feelings, your own concerns?

A. When you say "strange", meaning it is strange that I called those two as opposed to Karen Power or someone else?

Q. Yes.

A. I guess it be called strange.

Q. Do you have any explanation for it?

A. No, I do not.

Q. Now you told my friend Mr. Lamek this morning in June of 1982 you told Constable





1  
2 Murray from the Metropolitan Toronto Police that you --  
3 in response to a question from him as to whether or  
4 not you thought there was anyone possibly withholding  
5 information, you gave the names Bertha Bell and Karen  
6 Power.

7 A. That is right.

8 Q. And you have explained as  
9 well to my friend Mr. Lamek and to the Commissioner in  
10 some questions asked by him, what the basis for that  
11 was. It involved the fact that you had been informed  
12 of a meeting that had taken place that apparently met  
13 with the disapproval of the police.

14 Now I think we can all appreciate  
15 that sometimes people have feelings that are difficult  
16 to put a finger on.

17 A. That is right.

18 Q. I want to ask you, is there  
19 or was there at that time anything else about Bertha  
20 Bell that led you to feel that possibly she was with-  
21 holding some information from the police?

22 A. Nothing that I can recall, no.

23 Q. Is there anything as you cast  
24 back through your memory that Bertha Bell said to you  
25 at any time that would have given you some reason to  
wonder in your own mind whether she was telling





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everything that she knew?

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A. Not that I can recall, no.

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Q. Is there anything in her

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attitude that you can recall that would have raised that

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type of question in your mind?

7

A. Yes.

8

Q. What was that?

9

A. In her attitude in that she

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would state that the police would come -- the police

11

would come and talk to her all the time; were always

12

bugging her. That didn't please her at all. She

13

wasn't pleased with that.

14

Q. Is it fair to say that then

15

you perceived in her attitude a rather negative

16

response to the police efforts to ask her questions?

17

A. That is correct, yes.

18

Q. Was she rather vocal in that

19

particular response that she had?

20

A. What do you mean "vocal"?

21

Q. By vocal I mean did you hear

22

her say it more than once?

23

A. I think maybe I heard her say  
it twice.

24

Q. Yes.

25

A. From what I can recall.







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Q. When she said it would she  
say it in a rather emphatic way?

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A. She said it in a way that  
she was mad. She was not pleased that they were always  
rapping on her door or coming to the floor to find her.

6

7

Q. Did you get the feeling that  
she had a rather hostile attitude to all of this?

8

A. No, not really.

9

Q. How would you describe it?

10

A. I really don't know how to  
describe it.

11

12

Q. Certainly it didn't sound like  
a very cooperative one, I guess.

13

A. I guess you can say that.

14

15

Q. Now you indicated as well to  
my friend Mr. Lamek this morning that you weren't  
persuaded by the reassurance that was given at the  
meeting held to discuss the death of certain babies  
in the fall?

16

17

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19

A. I wasn't reassured at that  
meeting.

20

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Q. You didn't feel particularly  
reassured that these babies were dying because they  
were sick babies and it was inevitable they were going  
to die?

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A. No, I was not reassured.

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Q. When did that thought first  
fix in your mind that you weren't really feeling very  
comfortable with that explanation?

5

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A. I think it was probably before  
the meetings in that there were so many of the children  
that were dying.

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Q. Can we pinpoint it in point of  
time, though? Are we talking about September of 1980  
before the meetings that were held in the early part  
and the latter part of September?

12

13

A. I don't think I can really  
give you a time.

14

15

Q. Well, can you indicate then  
whether it was in the summer or the fall or the winter?

16

17

A. I don't really know.

18

19

20

Q. All right. When this thought  
clicked into place that you weren't really satisfied  
with the answer that the babies were dying because they  
were sick, was there any particular death prior to that  
point that stood out in your mind as an example of  
why you should not accept that explanation?

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A. There is one baby I can think  
of in particular, but I can't remember what the child's  
name was.

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Q. All right. What can you  
remember about him then?

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A. All I can remember the child  
was on 4B. The child was in 439, Room 439. He died  
in the night. It was stated through a surgeon -- he  
had already had surgery and it was stated through a  
surgeon that something about his AP window had closed.  
It didn't seem to help out because the child died  
so suddenly.

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Q. Well, once that thought  
finally registered with you that you weren't really  
accepting this explanation for the deaths, I take it  
it stayed with you from then until the death of Baby  
Cook in March of 1981?







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A. I am not really sure about that,  
no.

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Q. Well, when you say you are not  
sure about that, do you mean that there may have been  
periods of time when you didn't think about it, or when  
you accepted the fact that babies were dying because  
they were sick; or that you thought about it all the  
time during that point in time?

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A. It was not something that you  
always wanted to think about, I think it was something  
that you always put to the back of your mind and took,  
you know, the doctor's or someone's word for it that  
the child did die because the AP window closed, or  
because of such and such, and such and such.

14

15

Q. I take it that it would be  
natural to want to accept that explanation?

16

17

A. When you are working with  
children, yes.

18

19

Q. It is the last thing you would  
want to think about, or fix on is that somebody was  
intentionally harming the children?

20

21

A. That is right.

22

23

Q. Now, you also told my friend,  
Mr. Lamek, that at the point in time when the  
discussion centred on breaking up the Trayner team,

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that you yourself did not want to work on that team?

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A. That's right.

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Q. And what was your reason for  
not wanting to work on that team?

6

MS. RAE: Excuse me Mr. Commissioner.

7

THE COMMISSIONER: Yes.

8

9

MS. RAE: I understand that this  
witness this morning indicated she had no direct  
knowledge of the allegations made in this matter.

10

11

THE COMMISSIONER: No, no. I think  
this was, I am just trying to see what she did say:

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"I and others did not want to work  
with Phyllis Trayner, so many deaths  
and Phyllis Trayner did not give the  
care children needed."

15

16

Now, this is my own shorthand of what she said and it  
may not be right.

17

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MS. RAE: I believe in Miss Forster's  
cross-examination that the witness said she had no  
personal knowledge.

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21

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THE COMMISSIONER: Well that is not  
my recollection of it, but I think she had an opinion  
herself and she and others had that opinion, am I  
wrong?

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MS. SYMES: Excuse me Mr. Commissioner.





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This witness said she had never been on Phyllis Trayner's team and had never worked on that side with her.

THE COMMISSIONER: No.

MS. SYMES: And that only once had she seen her care for a child.

THE COMMISSIONER: I think before we say any more, we haven't got the transcript to prove which of us is right, so let us ask the witness directly.

MR. HUNT: Can I make one observation?

THE COMMISSIONER: Yes.

MR. HUNT: This objection is about half a dozen questions ahead of where I am, because my friends are anticipating I think what is coming. At this point I just said to the witness that she didn't want to work on the Trayner team, and why? That really doesn't get into the question of what she knew about other people, at this point, but I do intend to go that way. So if it is to be cleared up we can clear it up now I suppose.

THE COMMISSIONER: Well, I think if you want to. There seems to be some debate as to what she did say. You can ask her whether she did or did not want to work on the Trayner team, and if she did,







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or didn't, why?

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MR. HUNT: Q. We will take it, we will break it into stages so that everything is clear. First of all did you want to work on the Trayner team?

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A. No, I did not.

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Q. Why did you not want to work on the Trayner team?

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A. Because it felt to me that all of the children were dying when that particular team was on, and I didn't want to be on when all of those children were dying.

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Q. And I take it that this question of working with Phyllis Trayner was something that was discussed by you with other nurses?

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A. That's correct, yes.

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Q. And would the discussions that took place with you and other nurses be at formal meetings, or would this be informal discussions, or both?

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A. I would say probably informal discussions, just a little chat here and there.

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Q. And in the course of these discussions with the other nurses, I take it that you also got a feeling for their views with respect to the question of working with Phyllis Trayner?





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A. That's correct.

Q. And in deciding yourself whether or not you wanted to work with Phyllis Trayner, you would have, or be influenced, or have some regard for the opinions of the other nurses as well?

A. I could pick up their feelings as to whether they wanted to work with her, yes.

Q. Did that reinforce your feeling about not wanting to work with her?

A. I guess I have my own feeling, and my feeling was going to be my feeling and kept the way I wanted it to be kept.

Q. I appreciate that, but did what the other nurses felt as well about that issue serve to reinforce the feeling that you had, your own feeling about not wanting to work with her?

MS. RAE: I would suggest that is asking indirectly what I submit can't be asked directly.

THE COMMISSIONER: Why can't it be asked directly, I am sorry?

MS. RAE: Because whatever views they expressed was hearsay as I understand the witness to have admitted this morning.

THE COMMISSIONER: It certainly is hearsay as to whether indeed Phyllis Trayner was





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guilty of what they allege against her, but it is not hearsay to the fact that they said it, and that is all that is being brought forward I assume.

MS. RAE: It is more than the fact that they said it if you consider what effect it had on this witness.

THE COMMISSIONER: Yes. I don't understand that. Have you something you want to say about that Mr. Lamek?

MR. LAMEK: I am just murmuring in disagreement with the proposition.

THE COMMISSIONER: Yes. All right. Well, I don't see anything wrong with the question, it is the use that can be made of the answer that is really what you are complaining about.

MS. SYMES: Mr. Commissioner, if I could just state again, the fact that this witness has heard these things of course can properly be heard, but the contents of it which really for the relevancy of the issues before this Commission is whether or not there is any truth to that.

THE COMMISSIONER: That is right. It is not received for that purpose, it is not received for that purpose. It is received - we are talking about whether a team should be broken up or not. This







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witness is saying what her own views were, and the fact that she received these views from someone else. Mr. Hunt was asking if that affected her, and she said, no, that it was her own view. At least I don't know if she said no, but she said she had her own view. Where are you going from here? I am not suggesting there is anything wrong with where you are going, but where are you going?

MR. HUNT: Then I wanted to - the witness this morning as I recall it indicated that some of the things that she heard in the course of these discussions with other nurses about this prospect of working with Phyllis Trayner involved comments by the other nurses that Phyllis Trayner didn't give --

THE COMMISSIONER: That is my note too, but would you just ask her, but I thought it was her own view.

MR. HUNT: I want her own view right at the moment, but I do intend to move to these other areas and deal specifically with the impact they had.

THE COMMISSIONER: All right. You are not receiving unanimous approval.

MR. HUNT: No, I appreciate that.

THE COMMISSIONER: With what you are asking, I can tell you that.





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MS. RAE: I can certainly understand the witness did not have any direct knowledge of any inadequacy of care and that was purely something she had heard from someone else and that would definitely be excluded as hearsay.

THE COMMISSIONER: This is an inquiry you know. There is another issue, and the issue is - one of the issues is whether there was some talk of splitting up the Trayner team, which might go to something entirely different from cause of death. Because we are now moving somewhat reluctantly into Phase 2, because we don't want to have to call back these nurses, that's all. I don't know which branch you are concentrating on, but I haven't heard from you Ms. Symes, what is your objection?

MS. SYMES: Mr. Commissioner, my submissions to you are slightly different than that. First of all you do and have received this kind of evidence in the past, but this relates specifically to the good conduct or abilities of one of the particular nurses; and that as this witness has said in cross-examination to Ms. Forster that she had never been on this person's team.

THE COMMISSIONER: Yes.

MS. SYMES: And that she had never





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seen her look after children, and that she had never worked on the ward. Therefore, I submit that her basis of her opinion is most shaky, and that the relevance to this inquiry is outweighed by the prejudice that would attach to hearing --

THE COMMISSIONER: It is no prejudice to me, I am not prejudiced by the fact that somebody says they didn't think Phyllis Trayner was - that is not what I am enquiring into, I am not going to say that she was a good or bad nurse.

MS. SYMES: Mr. Commissioner, it is prejudicial to Miss Trayner and that her head nurse will be called to give evidence with respect to her abilities as a nurse, this person wasn't even on the team.

THE COMMISSIONER: All right. We have heard all kinds of evidence about how good a nurse Phyllis Trayner was, there is no question about it. I am not - you are not going to get very far with any of your questions, so far I see nothing that is offensive about it. All I can ask you, and this is a cry of the heart, please don't carry it on any further than you have to, that's all.

MR. HUNT: I would have been finished at this point without the objections of my friends, I







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can assure you.

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THE COMMISSIONER: Yes. All right.

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A. No I can't say.

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THE COMMISSOINER: . If you had waited long enough you would have got rid of the whole thing.

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MR. HUNT: Q. Now I want to deal specifically with the area that my friends all object to, and that is what you heard in the course of these discussions. Now you told my friend Mr. Lamek --

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THE COMMISSIONER: Now, wait a minute, now I am a little bit concerned about it because it didn't affect her no matter what she heard.

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MR. HUNT: I know it didn't affect her, but this now goes to the issue - and it certainly doesn't stand for the truth of it, that may be coming from other witnesses. The conduct that was alleged in the discussions with this nurse on the part of Phyllis Trayner, if substantiated by other witnesses,





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it may have some relevance in terms of your assessment of how and by what means the babies died.

THE COMMISSIONER: I am sorry, you will have to try that on me again.

MR. HUNT: All right, I will be specific then. One of the things we heard from this witness this morning was that comments were made about Phyllis Trayner that she didn't give the care that was required, and that she said she had done things when she hadn't done them. What I want to do now is ask specifically this witness about the comments that were made to her; whether or not they influenced her decision not to work with Phyllis Trayner; what impact they had on her.

THE COMMISSIONER: She said there was none.

MR. HUNT: No. In terms of working - I am sorry, I can only deal with one person at once. She said it had no impact on her in terms of wanting to work with Phyllis Trayner. The question that I want to put to her is in terms of this behaviour that she heard alleged by the other nurses; firstly whether she had any reason to believe that it wasn't true coming from them. Whether there is any reason to believe whether they were, in the context of the





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conversation putting it forward for other purposes.

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Certainly if it is true then what does that say in

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terms of someone's behaviour on this type of a ward,

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and ask this witness' view of that.

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THE COMMISSIONER: It is probably

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Thursday afternoon but I am having great difficulty

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following you and that I think surely is my fault and

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not yours. She said that she was not affected by what

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the other people told her. She apparently - her

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decision not to go to the Trayner team, not to want

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to go, and please correct me if I am wrong, was your

own, based upon your own observations, is that right?

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THE WITNESS: That is correct, that's

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right.

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THE COMMISSIONER: It was not based

upon what anybody else told you?

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THE WITNESS: No, it was not.

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MR. HUNT: That is only one branch of

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it.

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THE COMMISSIONER: All right. What

is the next branch?

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MR. HUNT: I want to know the people

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that said this to her.

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THE COMMISSIONER: Yes.

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MR. HUNT: If she can recall who it

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was said Phyllis Trayner said she did things when she  
had not done them, or that she didn't give care.

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THE COMMISSIONER: Yes.

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MR. HUNT: Whether there was any  
basis in the context of the conversation to believe  
these people who said they were not putting forward  
a truthful observation. Thirdly, and finally, if in  
fact these turn out to be true what is this witness'  
assessment of that kind of behaviour from a nurse on  
this particular ward.

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THE COMMISSIONER: Just a moment  
Miss Symes, I am with you at the moment.

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MS. SYMES: I am sorry --

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THE COMMISSIONER: I don't find any  
of that persuasive. When she tells me she is not  
affected by what somebody says to her I really don't  
know what value it is going to be to us.

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You say that you want to know what somebody has said to her and it doesn't have any effect on her.

MR. HUNT: It only doesn't have an effect on her in terms of wanting to work with the woman.

THE COMMISSIONER: Yes.

MR. HUNT: And I accept that, that ends that whole area of pursuit.

THE COMMISSIONER: And you want to know what they said for what other purpose?

MR. HUNT: One of the issues that we are concerned with here is the pattern of behavior of a number of individuals on the ward. We have heard quite a bit of evidence about the pattern of behavior of Phyllis Trayner and we have heard some evidence about the pattern of behavior of Susan Nelles. We now have a witness who says that in the course of these discussions it didn't effect her but she heard other nurses on the ward saying I don't want to work with Phyllis Trayner, she doesn't give the care that's necessary at certain times and she says she does things when she hasn't actually done them. So, I want to find out from the witness the context in which the remarks were made, who made them.





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THE COMMISSIONER: If she believed that, is that what you mean?

MR. HUNT: Well, one of the questions would be, was there anything in the context in which they were said that caused her to think they were untrue statements that were being made at the time and, if not, who said them so that perhaps we can pursue these aspects of this type of behavior and, finally, in terms of this nurse's experience someone working in the capacity of a nurse on a cardiac ward if this behavior was in fact true, is that something that one would expect from someone acting in that capacity.

So, the second branch of it goes to the behavioral aspect of some of the people that we are concerned with.

THE COMMISSIONER: Well, I hope this doesn't just prove my inconsistency, but I am going to rule out that evidence because I don't think it is -- if it affected her in some way as to why she was, because she didn't want to go on the Phyllis Trayner team, I might see some argument in favor of it, but at the moment all it seems to be is to elicit from this witness what someone else has said about Phyllis Trayner and therefore I am not going to







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2 receive it.

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4 So, there you are. Now, can you go on  
5 to the next point with whatever sulks you want  
6 to and get on to something else.

7 MR. HUNT: No, I'm finished in total  
8 disgrace and I am now going back to my seat.

9 THE COMMISSIONER: All right, now,  
10 Mr. Percival.

11 MR. PERCIVAL: Yes.

12 CROSS-EXAMINATION BY MR. PERCIVAL:

13 Q. Miss Frise, my name is Barry  
14 Percival, I appear on behalf of the Metropolitan  
15 Toronto Police. I want to deal with a number of  
16 matters that haven't been dealt with yet but perhaps  
17 I might start with the early morning hours of March  
18 22nd which was the long days that you started, the  
19 Sunday morning.

20 A. Yes, okay.

21 Q. This is just after Justin Cook  
22 had died and you were coming on shift at about  
23 6:30, quarter to 7, 7:00 that morning.

24 A. That's right.

25 Q. All right. Do I take it that  
you have lockers in the basement of the Hospital for  
Sick Children just like the nurse's room?





Frise  
cr. ex. (Percival)

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4      A .      You said lockers?

Q .      Lockers, yes.

A .      Yes, we do.

Q .      And do you change down there or  
did you change down there on that particular day or  
did you come to...

A .      Yes, I believe I changed down  
there at that time.

Q .      In any event, when you got up  
onto the ward you were starting a long day, in other  
words, starting at 7:00 and going to 7:00. Did you  
meet the team of nurses coming off the long nights?

A .      Yes, I did.

Q .      All right. And did you meet  
them in a particular location on the ward?

A .      Yes, I did.

Q .      Where was that?

A .      In the dirty      utility  
room.

Q .      All right. Was this question of  
the dirty utility room, is this for dirty laundry?

A .      Dirty things, we won't  
necessarily say dirty laundry, but dirty things.

Q .      Is that a place where people  
hang coats and leave belongings and that sort of stuff?





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A. No, it's not.

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A. At the point maybe it was the  
closest spot to go into.

Q. All right. Well, tell me on this  
particular occasion on the Sunday morning of March  
22nd when you came on the ward what time was it?

A. What time did I get on the ward?

Q. Yes.

A. Oh, maybe 7:00.

Q. All right. And when you came  
to the dirty utility room on that particular morning  
after Justin Cook had died, who was present in the  
room?

A. Liz Radojewski, Sue Nelles,  
Phyllis Trayner. I was called to come by Marie  
Mandal and those people were in the room.

Q. All right. And you say you were  
called to come. For what purpose, what did she say  
to you?

A. She said come, Meredith, and listen  
to what Liz has to say.







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6 Q. All right. And when you came in the door was Marie Mandal there, Phyllis Trayner, Susan Nelles and Liz Radojewski?

A. Yes.

Q. All right. Can you tell me what their physical state was, what observations you made of them at that time?

A. From what I can best recollect is that Liz Radojewski was crying, she seemed quite upset.

Q. And what about Phyllis Trayner?

A. I don't recall anything about Phyllis Trayner at that point.

Q. Was Marie Mandal coming on shift with you at this point?

A. Yes, she would have been.

Q. Right. And what about Susan Nelles?

A. She worked all night.

Q. Well, what was she like at this particular point at the time you entered the room?

A. She was calm, she was there to listen to what Liz had to say.

Q. All right. Well, what was being said at that meeting in the utility room on that





1  
2 morning after Justin Cook died?

3 A. What was being said is something  
4 regarding the Cook baby and that Liz was upset and  
5 why this child had died.

6 Q. All right. And was that being  
7 expressed in your presence?

8 A. From what I can recollect, yes.

9 Q. All right. I gather Liz  
10 Radojewski had not been on the ward then when the baby  
11 had died. Did you get that impression?

12 A. That's right.

13 Q. She was a head nurse?

14 A. That's right.

15 Q. And she would come on the same  
16 time as you would at 7:00 in the morning?

17 A. That's right.

18 Q. All right. Well, after Liz  
19 Radojewski said that was there any response from  
20 anybody else in the room, this inquiry about why  
21 Justin Cook had died?

22 A. Not that I can recall.

23 Q. Well, in particular was there any  
24 comment made by Susan Nelles in your presence?

25 A. Yes, there was a comment made but  
I don't know whether she made it right after Liz was





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finished or when exactly she made the comment.

Q. Well, do I take it then that Liz Radojewski said this but there were no answers given by Phyllis Trayner or Susan Nelles that you could recall?

A. No answers given, no.

Q. All right. Then what next was said?

A. I can recall Susan Nelles saying six out of seven ain't bad, eh.

Q. And did she say anything more than that?

A. Not that I can recall, no.

Q. And what was your reaction to that comment?

A. At the point I just kind of looked at her and then just went on my way, it didn't really affect me at that point.

Q. Well, at some point did it affect you?

A. Yes, later on as I thought about it, yes.

Q. When later on? Are we talking about that day or some later time period?

A. I think maybe later on in the







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9 3 day when I went home and had rehashed the day  
4 throughout in my mind.

5 Q. All right. Well, when she made  
6 this comment you told me that she seemed to be  
7 calm. Was it made in a flippant manner, was it made  
8 in a laughing manner, was it made in a frustrated  
9 manner? Can you give me anything more in relation  
10 to the comment made by Susan Nelles?

11 A. I don't really know how to  
12 describe it, she just said six out of seven ain't  
13 bad.

14 Q. Well, what effect did that comment  
15 have, at least that you could see, on Phyllis Trayner  
16 and Liz Radojewski in your presence?

17 A. I don't really recall what effect  
18 it had on them.

19 Q. Did somebody say, well, why are  
20 you saying that?

21 A. No, not that I can recall, no.

22 Q. Had you ever heard that expression  
23 before?

24 A. No, I had not.

25 Q. Had you ever heard of Susan  
Nelles having said that before on an earlier  
occasion quite apart from that morning?





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A. No, I had not.

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Q. Was Bertha Bell there on that occasion when that was spoken by Susan Nelles?

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A. I cannot recall Bertha Bell being there.

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Q. Thank you.

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THE COMMISSIONER: Mr. Percival, I forgot the new rules. I don't want to interrupt you if you are right in the middle of something.

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MR. PERCIVAL: No, I am going to carry on into that day and I will carry on afterwards.

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THE COMMISSIONER: Yes, all right. Well, we will take the break now then.

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---Short recess.





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--- on resuming.

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THE COMMISSIONER: Yes, Mr. Percival.

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MR. PERCIVAL: Q. After you had heard that conversation in the utility room you commenced your shift and you worked from seven o'clock through to 7:00 p.m. that Sunday; is that correct?

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A. That is right.

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Q. And during that shift some rather surprising things occurred, at least in relation to nursing procedures within the Hospital at least to what you had expected when you had come in that morning?

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A. I least expected it?

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Q. I beg your pardon?

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A. I least expected it?

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Q. You least expected it.

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A. The things to happen within that day.

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Q. All right. And in particular I gather you learned immediately that the digoxin had been placed in the narcotics cupboard, the locked narcotics cupboard?

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A. That is right.

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Q. You also found that there were supervisors on the floor all of the time and that







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they were monitoring the measuring of the medication including digoxin, and in fact personally observing medication being given to the individual children?

A. Yes. That didn't occur until the afternoon, though.

Q. All right. And also you were made aware that morning that digoxin blood samples were being taken from all of the babies that were alive on the wards and tests being done?

A. Yes.

Q. Yes?

A. Right.

Q. And did anything else change that day?

A. No, not that I can recall.

Q. Well, was it as a result of those series of events that you started to put a different perspective on the comments made by Susan Nelles that morning at seven o'clock in the utility room?

A. I don't really recall whether it was at that point that I started to think about it.

Q. All right. But in any event did you -- what was your reaction at that point? That day, and before we leave that day.





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A. At what time, after she said it, at two o'clock in the afternoon?

Q. At two o'clock in the afternoon. You said you didn't have any reaction immediately. What was your reaction later?

A. I don't really recall.

Q. Now, Miss Frise, you knew then when you went off shift some unusual things were occurring. Did you have any communication with either Susan Nelles or Phyllis Trayner that evening after you came off shift?

A. The Sunday night?

Q. Sunday night.

A. No, not that I can recall.

Q. And Marie Mandal had worked with you that day?

A. Yes.

Q. I want to know at some point in time on that Sunday because you didn't work on Monday and you didn't work on Tuesday; is that right?

A. That is right.

Q. Some time on that Sunday you utilized the expression in the course of your evidence to Mr. Lamek that a leak had occurred, and I want to explore your terminology, a leak had occurred with





Frise  
cr.ex. (Percival)

EE4

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2 respect to digoxin.

3 I want to know what information you  
4 obtained, whether or not it was -- whether you were  
5 supposed to obtain it or not. I want to know what you  
6 knew then when you went off shift at seven o'clock  
7 on the Sunday night.

8 First of all, did you know that at  
9 least somebody was attributing some of the baby deaths  
10 to digoxin overdoses?

11 A. On Sunday?

12 Q. Yes.

13 A. No, I don't think so, not that  
14 I can recall.

15 Q. Well perhaps it would be  
16 easier for me to ask you: When you said that to  
17 Mary Costello about the leak had occurred --

18 A. Yes.

19 Q. -- I want you to tell me  
20 what was the information that you received that caused  
21 you to put the question to Mary Costello the following  
22 evening, on Monday evening.

23 A. Meaning a leak, that there was  
24 a problem with digoxin.

25 Q. And the deaths of the babies;  
isn't that right?







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A. I don't think I went to the deaths of the babies. I am just saying digoxin.

Q. The digoxin was somehow being singled out by the Hospital as being the cause of some problem within the Hospital; is that right?

A. That is correct.

Q. And what about -- was it your perception of the information that you received that day that it might have been a mistake that some kids had got digoxin?

A. No, I don't think that came to my mind. I think it came to my mind that the medication itself, there was a problem with the digoxin.

Q. Well, perhaps I might assist you, Miss Frise.

When you gave evidence at the preliminary hearing - you did give evidence at the preliminary hearing?

A. Yes.

Q. When you were questioned about this particular subject at page 17, line 4, and you were asked about --

THE COMMISSIONER: What volume would that be?

MR. PERCIVAL: I'm sorry.





EE6

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MR. LAMEK: Volume 17.

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MR. PERCIVAL: Q. Volume 17, and  
you have it in front of you, Miss Frise?

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A. What page did you say?

6

7

Q. Page 17. You were being  
questioned about the meeting that you had on the  
Monday night at Liz Radojewski's house.

8

A. Yes.

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Q. And the question was:

"All right. What was the meeting  
about?"

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"A. It was about the deaths that  
had happened on the floor, just talking  
about malpractice, whether it was a  
mistake that the kids got digoxin."  
Do you recall being asked that  
question and giving that answer, Miss Frise?

17

A. Let me just read this over.

18

Q. Yes.

19

A. I remember the question.

20

Q. You remember the answer?

21

A. No.

22

Q. So you can't tell me whether  
it was true or otherwise?

23

A. I don't remember the answer.

24

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EE7

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Q. All right. Let's carry on.

3

On the same page, page 17, line 20:

4

"Q. Well, what if anything did you  
say at the meeting, do you recall that,  
Miss Frise? "

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"A. Mmmm, I remember saying to  
Mary Costello, she was sitting beside  
me, and I asked her something about  
digoxin and that there was some sort of  
a leak before, like we weren't  
supposed to know about digoxin, and I  
said to Mary, 'Is it the kids got  
something to do with digoxin?', and  
she sort of looked at me and said,  
'I can't comment on that'."

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EE-2 2  
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Do you recall being asked that question  
and giving that answer?

A. Yes, I do.

Q. And over on page 18 at line  
16 you were asked the specific question that I was  
asking you:

"Q. What do you mean, leaks of  
digoxin?

A. Well, that we weren't supposed to  
know that some of the kids had been  
given digoxin and that they had a dig.  
level that was too high that had made  
them die, etc., etc.

Q. Yes.

A. And that we weren't supposed to  
know about this and that there was,  
it was a leak out that we found out.

Q. All right. When did you learn  
about this that some of the children  
had died from digoxin?

A. Sunday.

Q. Sunday?

A. Hm-mm.

Q. And that was while you were at  
work, was it?





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A. Yes."

3

Do you recall being asked those questions and giving those answers?

4

5

A. Yes, I do.

6

Q. Does that refresh your recollection?

7

A. Yes.

8

Q. About what you learned on the

9

Sunday?

10

A. Yes, it does.

11

Q. Would it be fair to say you learned

12

on the Sunday that at least the rumour around the ward was that there were a number of deaths that

13

were being attributed to overdoses of digoxin? Is that fair to say?

14

15

A. I don't know whether I can say

16

overdoses of digoxin.

17

Q. Well, that the deaths had some-

18

thing to do with digoxin.

19

A. Well, it had something to do with

20

digoxin.

21

Q. All right.

22

A. I didn't say overdose.

23

Q. Were you advised on the Sunday

24

by some means that some children had died as a result

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of being administered digoxin when it had never been prescribed for them?

A. Did I learn that on the Sunday?

Q. Yes.

A. From what I can recall, I think I did.

Q. All right. And in specific terms you learned it was Baby Cook, Justin Cook, the baby that had just died, had in fact died of digoxin overdose and had not been prescribed digoxin; isn't that correct?

A. Yes, from my recollection, yes.

Q. Thank you. And in any event I gather that was some revolutionary news, at least so far as you were concerned when you left the shift at 7:00 that evening.

A. It was which did you say?

Q. Well, it was rather exciting news.

A. Exciting?

Q. Well, tell me what was your impression of that information?

A. Scared.

Q. You were scared. All right. So do I take it that when you went home you knew that







1  
4 2 Marie Mandal also had the same information; isn't  
3 that true?

4 A. Six out of seven and  
5 throughout the day, yes.

6 Q. And that information that you  
7 told about, about children perhaps being overdosed  
8 with digoxin or having received digoxin when it was  
not prescribed.

9 A. Yes.

10 Q. All right.

11 A. Yes.

12 Q. Did you go home with her that  
13 night?

14 A. No, I did not.

15 Q. Did you speak with her that  
night by telephone?

16 A. Not that I can recall.

17 Q. Did you speak with anyone that  
18 night?

19 A. I think I maybe phoned  
20 Peterboro.

21 Q. Is that to speak with your parents?

22 A. Yes.

23 Q. And tell them what was happening?

24 A. Yes.  
25





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Q. I understand. In any event

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then the next morning was the first phone call you

4

received from Phyllis Trayner?

5

A. The Monday morning.

6

Q. Yes, or was it from Mary

7

Costello saying there is going to be a meeting?

8

I'm sorry, I forgot your evidence.

9

A. Right. No, I believe Mary

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Costello phoned first.

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EE3/EMT/ko

Q. And then did you have any discussion with Mary Costello at that point about what had transpired the day before?

A. No, not that I can recall.

Q. All right. At that point in time did you know that police officers were in the hospital?

A. No, I don't think I did, no.

Q. All right. We then take you to the next step that Phyllis Trayner telephoned you and said come on over for a meeting before the meeting?

A. Right.

Q. And you said sure. Did you give her any information based upon what you had learned on the day shift of Sunday after she had departed the hospital?

A. On the --

Q. At that time on the telephone?

A. Not that I can recall, no.

Q. Marie Mandal telephoned you - did you get the impression that Marie Mandal had also been called by Phyllis Trayner?

A. I don't really recall.

Q. In any event when Marie Mandal







1  
2 came to your apartment then you went both by subway  
3 to Phyllis Trayner's house?

4 A. That is right.

5 Q. Do I take it since this was a  
6 first visit at Phyllis Trayner's apartment that what  
7 you were there for was to discuss what was happening  
8 at the hospital?

8 A. Yes.

9 Q. All right. And do I take it  
10 that at some point in time during the course of the  
11 four hours you were at the apartment, you talked to  
12 Phyllis Trayner about the rumours that you had heard  
13 the day before on Sunday, and also what was happening  
14 on the ward on the Sunday after she had left at 7  
15 o'clock in the morning? Is that fair to say?

15 A. I can't be sure.

16 Q. Well, what else would you be  
17 talking about, Miss Frise?

18 A. Like I said earlier, about the  
19 deaths on the floor.

20 Q. Yes?

21 A. The Pacsai baby.

22 Q. Wouldn't you also - I gather  
23 you must have told her about the rumour about digoxin  
24 causing the deaths?  
25

EE3.2





EE3.3

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A. I don't really recall. Like I

3

just said.

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Q. All right.

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A. I don't remember whether I did

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or didn't.

7

Q. All right. May I ask you then

8

did Mrs. Trayner seem to know all about the changes

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that had occurred at the hospital after she had left

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at 7 o'clock Sunday morning? In the course of that

discussion that afternoon?

11

A. I don't really recall whether

12

she knew or didn't.

13

Q. Would it be fair to say that

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probably that was also discussed at that meeting at

Phyllis Trayner's apartment?

15

A. What was discussed?

16

Q. The changes. The radical

17

changes in nursing.

18

A. It could have.

19

Q. That were occurring on 4A/4B?

20

A. It could have, but I said I

don't remember.

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Q. You then left and I think you

22

told us already that you thought that Marie Mandal was

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there; Phyllis Trayner was there. Was Mary Cooney

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also there?

A. No, she wasn't.

Q. So there was only four of you or five of you there at that meeting? Jane Partridge, Mary Jean Halpenny, Phyllis Trayner, Marie Mandal and yourself?

A. That is what I can recall, yes.

Q. You left at 6 o'clock and you arrived at Liz Radojewski's house and you started talking about what was happening at the hospital?

A. That is right.

Q. And in the course of this discussion I gather from what you have said that you, in the presence of all of those other nurses, said what you said to Mary Costello. Everybody was quiet and everybody heard the response?

A. That is right.

Q. There is no doubt in your mind?

A. From what I can recall.

Q. And you were asking the question, trying to get an answer, trying to understand what was happening. Isn't that correct?

A. That is right.

Q. And in effect Mary Costello's response really didn't satisfy both your need to know







EE3.5

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and your curiosity?

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A. That is right.

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Q. But you sure continued to be  
more scared as a result of the response?

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A. That is right.

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Q. Did you hear anybody talking  
that evening about obtaining legal representation?

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A. Not that I can recall, all I  
can remember is malpractice.

THE COMMISSIONER: I'm sorry, what you  
can remember is?

THE WITNESS: Malpractice.

Q. Do I have it that you as a  
registered nursing assistant are not a member of the  
R.N.A.O.?

A. No, we have our own group.

Q. Do you recall the R.N.A.O. being  
discussed by Susan Nelles and Phyllis Trayner at  
that meeting and going to get advice?

A. Vaguely I remember that, yes.

Q. Do you remember any discussion  
that evening, from any source, about the fact that  
police officers were making an investigation at the  
hospital?

A. No, I don't remember anything  
like that.

Q. When did you first become  
aware that the police were in the hospital making  
inquiries about the events on 4A/4B?

A. I think I didn't know the  
police were involved until Sue Nelles was arrested.





- 1
- 2 2 Q. After you left Liz Radojewski's
- 3 house, I think you have told Mr. Lamek and Mr.
- 4 Hunt you made two telephone calls on the Tuesday, one
- 5 to Phyllis Trayner and one to Susan Nelles.
- 6 A. That's right.
- 7 Q. Did you receive any telephone
- 8 calls from anybody else during the course of Tuesday,
- 9 either before or after those telephone calls?
- 10 A. Not that I can recall.
- 11 Q. Did you not speak to any other
- 12 members of your team, or Marie Mandal, or your other
- 13 friends on the nursing team about, first of all, what
- 14 had happened on the Sunday and what had happened at
- 15 the meeting on Monday night?
- 16 A. I don't really recall.
- 17 Q. You have indicated that the
- 18 reason that you can't tell us the reason why you
- 19 telephoned Susan Nelles; why did you think she was
- 20 going to help you about your concerns about being
- 21 scared?
- 22 A. Susan Nelles is a very strong
- 23 person, she is small but mighty. She would help you
- 24 through anything, and I figured by phoning her she
- 25 was going to help me and reassure me that things would
- be fine.







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Q. Why would you not correspondingly have called Phyllis Trayner and asked her the same questions, rather than just phoning her and asking her for the phone number of Susan Nelles?

A. As I said before, probably to do with the Pacsai death.

Q. No. Insofar as what, that you were concerned about what Phyllis Trayner had done at the Pacsai death?

A. No, I did not say that.

Q. I'm sorry, I misunderstood you.

A. I didn't say that at all.

Q. Please.

A. I said because the Pacsai child died and Sue Nelles was informed that there was going to be a coroner's inquest, and I figured that I would be involved with this child because I transferred the child in through the day with the help of George. Then I was scared at that point and she would probably help me through that.

Q. Did you not know that Phyllis Trayner had been the team leader that night?

A. I didn't really think about it.

MR. LAMEK: With respect, Mr. Commissioner, that is something of an unfair question because the





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4 2 child was on 4B, although Trayner was team leader on  
3 4A, and Susan Nelles was not working on 4A that  
4 night.

MR. PERCIVAL: I'm sorry, I did not  
mean to say that.

THE COMMISSIONER: I think the witness  
has also said that Susan Nelles on Monday discussed  
the Pacsai matter and this witness was involved  
with Pacsai.

MR. PERCIVAL: Thank you.

Q. May I deal with another matter.  
At some point in time after the preliminary, and I  
am talking about June of 1982, were you interviewed  
by the police?

A. Yes, I was.

Q. And on that occasion were you  
questioned with respect to -- and I gather at that  
point Susan Nelles had been discharged?

A. That's right.

Q. And were you questioned at that  
point as to what you had thought, or what opinion  
you had, as to the responsibility for these baby  
deaths? I am talking about the four baby deaths in  
question.

A. Did I know?





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Q. No, were you questioned about

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that issue as to who you thought was responsible?

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A. Yes, I think the question came

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across.

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THE COMMISSIONER: Yes, Miss

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Solomon?

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MS. SOLOMON: I believe this gets

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into --

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THE COMMISSIONER: Yes, I have the

same suspicion you have.

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MR. PERCIVAL: No, with respect, it is

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not, Mr. Commissioner and that is why I am being very  
specific about the date of June 17th of 1982.

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THE COMMISSIONER: That is still after

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May of 1982, that is the problem, isn't it?

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MS. SOLOMON: With respect, it is

16

a statement made to the police.

17

THE COMMISSIONER: No, I am sorry, there

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may be some other reason that you are bringing this

19

up. If it has to do with the police investigation

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it is after, is it May of 1982, the discharge date?

21

MR. PERCIVAL: Yes.

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THE COMMISSIONER: And that is why, it

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is one of the few rulings that I have made that has

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not been questioned someplace else. We are not going

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to investigate, isn't that right?

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Q. Let me then go back a little bit further. At some point in time, even right up until the time of the preliminary hearing, did you have an opinion as to whether more than one person was involved with respect to these baby deaths?

A. I don't think I can answer that question.

Q. Well, is it you don't know whether you had an opinion, or whether or not you wish to express the opinion?

A. I don't think I wish to express the opinion.

Q. Did you have an opinion at that time?

A. From what I recollect, yes, I did.

Q. What was that opinion?

A. Like I just said, I didn't want to, you know.

Q. I don't want to talk about names, I want to talk about the modus, do you understand what I am talking about, how things occurred. I put it to you that it was your opinion at that time --

THE COMMISSIONER: At which time is this





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now?

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MR. PERCIVAL: Before the preliminary  
even.

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THE COMMISSIONER: Yes.

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Q. That there was more than one  
nurse involved with respect to these deaths.

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A. Are you talking in the preliminary,  
or are you jumping back, you seem to be jumping.

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THE COMMISSIONER: Before the  
preliminary. I know it will be hard for you, but we  
keep, we cut things off at the end of the preliminary,  
the police investigation, and that is why the difference  
is. The question that has been asked is, I am  
not saying that you have to answer it, but the question  
that has been asked is, did you have an opinion before  
the preliminary. Now, the preliminary was from  
January until May of 1982, as to whether more than  
one person had been involved in those deaths. Now,  
that is the question. The answer can be  
that-the only possible answer to that question  
is (1) yes and (2) no. Or the other one, there is  
another possible answer is -- I prefer not to say.

22

THE WITNESS: I prefer not to say.

23

THE COMMISSIONER: Now, why should  
she be pressed on that question?

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MR. PERCIVAL: Because perhaps it goes even to the cause of death, and in relation to whether or not there may be more than one.

THE COMMISSIONER: We can ask her what the basis was for that.

MR. PERCIVAL: Thank you.

THE COMMISSIONER: Yes, go ahead.

Q. You had an opinion, and without getting into it, what was the basis of your opinion?

MR. LAMEK: She said she didn't have an opinion.

THE COMMISSIONER: She said she preferred not to answer. If you did have an opinion.

Q. What was the basis for your opinion?

MS. SOLOMON: I believe the question should be what, if any, basis did she have, not what basis.

THE COMMISSIONER: Yes, I see, what if any basis did she have for forming an opinion at all.

THE WITNESS: Because I didn't think -- I don't have any basis.

Q. Miss Frise will forgive me, I don't want you to name individuals.







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A. No, I am not going to name individuals.

Q. I don't want you to. What I want to talk about is this, did you have an opinion that the way in which these babies died, that there had to be more than one individual involved, one acting as a lookout and one perpetrating?

A. Yes.

Q. Thank you. You had that opinion prior to the preliminary?

A. Yes, I did.

Q. Thank you. I want to deal with one last matter. After the arrest of Susan Nelles and at the end of March, 1981, and this was just after the arrest, you had the occasion I understand to go to lunch one day with Phyllis Trayner at the Eaton Centre.

THE COMMISSIONER: Just a moment. When was this, I want to know what the question is.

MR. PERCIVAL: At the end of March, 1981, shortly after the arrest of Susan Nelles.

THE COMMISSIONER: Yes, occasion to go with Phyllis Trayner to --

MS. RAE: Mr. Commissioner, I realize my friend is about to go into a particular area that





1  
2 I am concerned about, and I would suggest since it  
3 was after March, 1981 it is not relevant to the  
4 matters in hand.

5 THE COMMISSIONER: It may or may not  
6 be, I don't know, I don't know what is going to be  
7 said, whether she says something that might help us  
8 in the cause of death.

9 I don't know, I can't know until I  
10 know what the question is. It might also have some-  
11 thing to do with the police investigation, and we  
12 have had a tacit agreement that as we are getting so  
13 close to the police investigation now we don't want  
14 to have to recall these nurses, that we are going to  
15 allow that to go on, that is what we have been doing,  
16 and you may not have appreciated that, but that is  
17 what it is. We may have to recall some of the  
18 witnesses we had before, because if something further  
19 comes up about the police investigation, but I don't  
20 want these witnesses to have to come back.

21 MS. RAE: I realize that but I am  
22 concerned that this could be extremely prejudicial  
23 and really is not very helpful.

24 THE COMMISSIONER: Let us hear first  
25 what the question is.

Yes, Ms. Solomon?





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MS. SOLOMON: Perhaps I can assist,  
just referring to the time of this. Although the  
incident that is referred to might involve March of  
1981 or April of 1981, rather, the statement which --







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MR. PERCIVAL: I never alluded to  
a statement.

THE COMMISSIONER: No, no. I think  
the question so far, if all it is is, did you have a  
meeting with Phyllis Trayner, and it sounds pretty  
innocent to me she had a meeting with Phyllis Trayner.

MR. PERCIVAL: I know I probably  
asked that for that reason. People go to lunch you  
know.

THE COMMISSIONER: Well, there is  
nothing wrong with having lunch with Phyllis Trayner  
or for that matter anybody else.

MR. PERCIVAL: Usually once a day.

THE COMMISSIONER: Yes. I have lunch  
with my former colleagues and nobody suggests that that  
is suspicious.

MR. PERCIVAL: May I continue, Mr.  
Commissioner?

THE COMMISSIONER: Sorry.

MR. PERCIVAL: Q. Then it was shortly  
after the arrest of Susan Nelles you had an occasion  
to go with Phyllis Trayner to the Eaton Centre for  
lunch, is that correct?

A. That's correct.

THE COMMISSIONER: I don't think the





Frise  
cr.ex. (Percival)

1  
GG2 2 Eaton Centre makes it any more suspicious either.

3 MR. PERCIVAL: All right.

4 Q. Now, at some point in time  
5 in accordance with that luncheon meeting that you had,  
6 or not meeting but you went shopping I gather.

7 A. Right, we went for lunch.

8 Q. And when you had lunch you  
9 started to talk about something?

10 A. That's right.

11 Q. What was it you started to  
12 talk about?

13 A. The availability of digoxin.

14 Q. All right. Can you tell me  
15 who brought that up?

16 A. Phyllis brought it up.

17 Q. How did she bring it up  
18 and what did she say?

19 A. She wanted to know --

20 MS. RAE: Mr. Commissioner.

21 THE COMMISSIONER: I'm sorry, yes, yes.

22 MS. RAE: I would suggest that we  
23 have now got to the area that is certainly prejudicial.

24 THE COMMISSIONER: Well, it will  
25 be relevant though. It may be prejudicial but surely  
it is relevant if Phyllis Trayner discusses the





Frise  
cr.ex. (Percival)

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availability of digoxin, is that not relevant? Why  
is it not relevant?

MS. RAE: Well, these events occurred  
after March of 1981.

THE COMMISSIONER: Well, no, but one  
of the things I am investigating is the cause of death  
of these children and something about the availability  
of digoxin might well be relevant. I can't tell until  
I know what it is about. I take it, Mr. Percival,  
are you advancing this towards the cause of death?

MR. PERCIVAL: Absolutely, and  
absolutely with respect to the discussion that she had  
with Phyllis Trayner and what they did as a result of  
that discussion on that very day, together.

THE COMMISSIONER: Yes, all right.  
Well, Mr. Percival says it has some relevance to the  
cause of death, so I really have to hear it. I don't  
know whether it has or not.

MR. PERCIVAL: It was all done at the  
Eaton Centre in any event.

MR. LAMEK: And therefore cannot be  
suspicious.

THE COMMISSIONER: Yes, all right,  
all right.

MS. SYMES: Is this witness entitled







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to the 5(2) warning?

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THE COMMISSIONER: No.

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MR. PERCIVAL: Q. Miss Frise, can  
we carry on with this?

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THE COMMISSIONER: Yes.

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A. Yes.

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MR. PERCIVAL: Q. The availability  
of digoxin was brought up by Phyllis Trayner. What  
did she say and what did you say and then what did you  
do?

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A. We talked about the avail-  
ability of digoxin in that if the children did receive  
digoxin where did they get it from, et cetera. So  
the idea was, well, Phyllis said, come on, let's go  
to Shoppers Drug Mart and find out whether they sell  
digoxin over the counter, and she proceeded to --

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Q. Just before we get to that.  
Was that the extent of the discussion that you can  
recall? Did you get into the question of people going  
on the ward with digoxin purchased outside the Hospital  
and administering to these children? Was that the  
nature of the discussion?

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A. I don't really recall whether  
it was or it wasn't.

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Q. Or was it a question of





Frise  
cr.ex. (Percival)

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somebody involved in the Hospital quite apart from getting digoxin from the medicine room on the ward being able to go out to a drugstore and purchase it over the counter?

A. I think in that means, yes.

Q. Thank you. Now having had that discussion at lunch and having paid your bill, what did you do?

A. We went down to Shoppers Drug Mart and proceeded to the clerk and Phyllis said to the clerk do you sell digoxin over the counter without a prescription.

Q. And what was the response said to you in her presence, Phyllis Trayner's presence?

A. From the clerk?

Q. Yes.

A. The clerk said, yes, we do in certain circumstances.

Q. What did Phyllis say?

A. She smiled and said, thank you, and on we went.

Q. Well, did you have any discussion about that response from that clerk in that particular drugstore along the lines of your discussion over lunch?





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A. Lunch was before that.

Q. I understand that, but you talked about general things. Having found out that you could get it over the counter under certain circumstances, did you continue that discussion with Phyllis Trayner?

A. I can't really recall whether I did or I didn't.

Q. Did you talk about it again to Phyllis Trayner?

A. Again, I don't really recall.

Q. And am I correct that the first time you ever told the police about that was on Thursday, June 16, 1982?

A. I don't remember the date I told them.

Q. Well, you have some statements that you gave to the police?

A. Yes, I do.

Q. Is that not, and perhaps counsel can agree with me that that is recounted on a statement of Thursday, June 16, 1982.

A. Maybe I could look at this statement.

MS. SOLOMON: That is correct.







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MR. PERCIVAL: Thank you. No further questions.

THE COMMISSIONER: Yes, all right, thank you. What time is it?

Yes, Mr. Young, are you next?

MR. YOUNG: Mr. Percival asked my questions, thank you.

THE COMMISSIONER: I forgot all about it. I don't want you to contradict the course of events.

I am getting a little -- I had better watch my language, too many people will agree with me.

MR. ROLAND: I wasn't going to ask any questions but curiosity can't prevent me from asking a couple arising just out of the last bit of evidence about the digoxin purchased over the counter.

CROSS-EXAMINATION BY MR. ROLAND:

Q. Miss Frise (pronounced freeze).

A. It's Frise (pronounced fries).

Q. Frise. Do you recall what kind of digoxin it was? Was it a capsule or an ampoule?

A. I believe she asked for elixir as well as the ampoules.





Frise  
cr.ex. (Roland)

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Q. And were they both available?

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A. I think she talked that we

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could get the elixir over the counter.

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Q. What about the ampoules?

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A. I don't really remember what  
her answer was to that.

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Q. I see.

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THE COMMISSIONER: Is this what you  
meant by in certain circumstances, you mean in certain  
forms, is that it? What did the clerk say? Did he  
use the words "in certain circumstances" or did he  
say how you can get it?

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THE WITNESS: In certain circumstances,  
meaning in certain circumstances as if you are going  
to purchase digoxin you need a prescription from a  
doctor before you can get digoxin over the counter.  
That is what she is referring to, that I picked up.

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THE COMMISSIONER: Well, I'm sorry,  
I got lost there because you went to see if you could  
get it, you went to a drug mart; Do you sell over the  
counter digoxin without a prescription, and he said  
yes, in certain circumstances, and the certain  
circumstances were with a prescription. Then that's  
not much of an answer, is it? Did he say you could  
or you couldn't get it without a prescription?

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THE WITNESS: I don't remember whether that was asked or answered.

MR. ROLAND: Q. I take it then, Miss Frise, you are not certain whether you need a prescription or not to get digoxin over the counter?

A. Yes, you do need a prescription to get digoxin.

Q. Well, was that the impression that was left with you by the druggist in the Eaton Centre, that you needed a prescription to get it over the counter?

A. What I got was that, the perception I picked up is that they would give you digoxin in certain circumstances that you wouldn't need a prescription.

THE COMMISSIONER: Yes. And did they say what those circumstances were?

THE WITNESS: No, they did not.







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MR. ROLAND: Q. And the digoxin you

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are talking about in those certain circumstances is

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the elixir rather than the ampules?

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A. Yes.

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THE COMMISSIONER: Did they say that?

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Did they say the elixir rather than the ampules?

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THE WITNESS: No, Phyllis said the  
elixir.

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THE COMMISSIONER: To whom, to you or

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to the clerk?

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THE WITNESS: To the clerk, because

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the clerk asked her.

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THE COMMISSIONER: All right.

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MR. ROLAND: Q. Was there any

discussion about ampules?

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A. I think Phyllis said can we get

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digoxin over the counter and the clerk said what kind

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and Phyllis said elixir.

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THE COMMISSIONER: And then what did

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he say, did he say yes or no?

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THE WITNESS: In certain circumstances.

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THE COMMISSIONER: Well, I am not much  
further ahead, Mr. Roland.

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MR. ROLAND: No, I am sorry I stood

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up and asked the questions. I have no further

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questions.

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THE COMMISSIONER: Well, I don't know whether anybody else wants to make a stab at this problem. Maybe we'll all have to repair to the Shoppers Drug Mart and find out how we can get it.

Now, what time is it now? It is 25 past four. Well, what about you, Miss Chown?

MS. CHOWN: No questions, thank you.

THE COMMISSIONER: I imagine you do have some questions?

MS. SYMES: Yes I do, Mr. Commissioner.

THE COMMISSIONER: So, when do you want to go on, do you want to go on now?

MS. SYMES: No, Mr. Commissioner, I would ask to go Monday morning.

THE COMMISSIONER: Well then, I am not too sure there is going to be a Monday morning because that's what I have to sort out because Mrs. Radojewski is plotted for Monday morning. What do you suggest, Mr. Lamek?

MR. LAMEK: Mr. Commissioner, I really don't know what to suggest. You are quite right, Mrs. Radojewski expects to be called on Monday and that's Miss Cronk's expectation as well. Whether that has to be at 10 o'clock or whether we can complete Miss Frise's





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evidence and send her on her way, which I am sure she would prefer. Maybe Miss Symes can help us as to whether it is essential she starts at 10 o'clock with Mrs. Radojewski.

MS. SYMES: In fact it would be much preferable to finish with this witness.

THE COMMISSIONER: Yes, but the problem is it may be the whole day and Mr. Lamek is not available, that's one of the problems.

MR. LAMEK: I won't be here. I don't see that as a problem, Mr. Commissioner.

THE COMMISSIONER: Well, if you don't think it is a problem.

MR. LAMEK: Well, the transcripts will be available by then and if you don't mind Miss Cronk's re-examining, if any re-examination be necessary.

THE COMMISSIONER: I don't mind that at all.

MR. LAMEK: She can review the evidence of the last half a day.

THE COMMISSIONER: It looks to me as though it may well take the day. How long are you going to be, Miss Symes?

MS. SYMES: I would expect to be an







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hour, sir.

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THE COMMISSIONER: Mr. Knazan, how long  
4 will you be?

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MR. KNAZAN: No questions.

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THE COMMISSIONER: Mr. Olah?

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MR. OLAH: At the present time I have  
no questions, Mr. Commissioner.

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THE COMMISSIONER: Mr. Labow?

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MR. LABOW: About a half an hour.

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THE COMMISSIONER: Mr. Tobias?

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MR. TOBIAS: Fifteen minutes,  
Mr. Commissioner.

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MR. SHANAHAN: About five minutes,  
Mr. Commissioner.

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THE COMMISSIONER: Mr. Rosenberg,  
you will be very lengthy I would imagine?

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MR. ROSENBERG: Well, my questions  
are going to take an hour -- never mind.

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THE COMMISSIONER: And Miss Solomon  
judging from past records you won't be too long?

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MR. SOLOMON: No.

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THE COMMISSIONER: Well, you think  
we should, even though you won't be around --

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MR. LAMEK: Even with those estimates  
it seems to me sir that we can complete Miss Frise's

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GG2.5 2 evidence by lunchtime on Monday.

3 THE COMMISSIONER: Yes, all right.

4 MR. LAMEK: I think that would be  
5 preferable.

6 THE COMMISSIONER: I take it that is  
7 your preference too, is it, Miss Frise?

8 THE WITNESS: Yes.

9 THE COMMISSIONER: You would like to  
10 be rid of us? You don't need to answer that question.

11 All right. Well then, we will proceed  
12 on Monday morning at 10 o'clock.

13 Yes, Miss Symes?

14 MS. SYMES: Mr. Commissioner, out of  
15 assistance to the next witness, Ms. Radojewski, could  
16 she be called at 2:30?

17 THE COMMISSIONER: 2:15 I think is  
18 when we now start.

19 MS. SYMES: 2:15 these days.

20 THE COMMISSIONER: Yes.

21 MS. SYMES: Could she not be required  
22 to be here until 2:15?

23 THE COMMISSIONER: I think that's  
24 safe, I think that's safe and if we happen to have a  
25 half hour of indolence I suppose it won't be too bad  
on Monday morning.







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MS. SYMES: Thank you, Mr.

Commissioner.

MR. ROLAND: Mr. Commissioner, before we all forget about it, you will recall in Miss Coulson's evidence the issue arose concerning the mysterious IV bag.

THE COMMISSIONER: Yes.

MR. ROLAND: We have been able to determine that there was no record at all of any IV bag being tested with respect to the two babies mentioned by Miss Coulson, that is, Baby Gionas or Baby Lombardo, at any time surrounding their deaths. So, we have no record at all of that occurring and we can only assume that it didn't occur with respect to those two babies.

THE COMMISSIONER: Well, there we are, there we are.

All right. Well then, Monday at 10:00 a.m.

--- Whereupon the hearing adjourned at 4:30 p.m. until Monday, February 27th, 1984 at 10:00 a.m.

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